

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

1934

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Washington, Friday, July 22, 1955

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraph (j) of § 6.102 is amended as follows: The headnote is changed to read "Operations Coordinating Board", subparagraph (1) is revoked, subparagraph (2) is amended and a new subparagraph (3) is added as set out below.

§ 6.102 *Department of State.* \* \* \*  
(j) *Operations Coordinating Board.*  
\* \* \*

(2) Thirteen regular or permanent members of the staff of the Board, grades GS-14 and GS-15.

(3) One technical position, GS-9, concerned with the maintenance of telecommunication inventories and facilities available to the United States in carrying out the responsibilities assigned to the Board.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,  
*Executive Assistant.*

[F. R. Doc. 55-5962; Filed, July 21, 1955; 8:50 a. m.]

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### MISCELLANEOUS AMENDMENTS

Effective August 1, 1955, paragraph (j) of § 6.101 is revoked, paragraph (f) (4) is added to § 6.103, paragraph (a) (10) is added to § 6.109, and paragraph (h) (3) is added to § 6.111 as set out below.

§ 6.103 *Treasury Department.* \* \* \*

(f) *Bureau of Customs.* \* \* \*

(4) Part-time, intermittent or temporary Deputy Collectors and Deputy Collectors in Charge in Alaska at a salary rate not in excess of GS-8, for not to exceed 130 working days a year.

§ 6.109 *Post Office Department—(a) General.* \* \* \*

(10) Clerks employed on a part-time basis in third-class post offices in Alaska.

§ 6.111 *Department of Agriculture.* \* \* \*

(h) *Forest Service.* \* \* \*

(3) Until August 1, 1956, Laborers, Boat Operators, Mechanics, Equipment Operators, and Carpenters in Alaska.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,  
*Executive Assistant.*

[F. R. Doc. 55-5959; Filed, July 21, 1955; 8:50 a. m.]

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, subparagraph (2) of § 6.109 (b) and paragraph (a) of § 6.209 are revoked, and subparagraph (5) of § 6.109 (a) is amended as set out below.

§ 6.109 *Post Office Department—(a) General.* \* \* \*

(5) Unskilled laborers employed as janitors and cleaners in small postal units in leased quarters at a compensation less than \$2,870 per annum.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,  
*Executive Assistant.*

[F. R. Doc. 55-5961; Filed, July 21, 1955; 8:50 a. m.]

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### DEPARTMENT OF AGRICULTURE; DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, paragraph (k) (1) of

(Continued on next page)

## CONTENTS

<b>Agricultural Marketing Service</b>	Page
Notices:	
Knickman Livestock Sales Co., posting of stockyards.....	5277
Proposed rule making:	
Milk handling:	
Metropolitan New York.....	5267
Oklahoma:	
Oklahoma City.....	5259
Tulsa-Muskogee area.....	5262
Potatoes, Irish, grown in Idaho and Malheur County, Oreg., expenses and rate of assessment.....	5269
<b>Agricultural Research Service</b>	
Rules and regulations:	
Vesicular exanthema; changes in areas quarantined.....	5256
<b>Agriculture Department</b>	
See also Agricultural Marketing Service; Agricultural Research Service; Commodity Credit Corporation; Farmers Home Administration.	
Notices:	
Minnesota; designation of areas for production emergency loans.....	5279
<b>Civil Aeronautics Board</b>	
Notices:	
Accident occurring near Kansas City, Kans., hearing.....	5277
Rules and regulations:	
Classification and exemption of international air freight forwarders; extension of operating authority.....	5256
<b>Civil Service Commission</b>	
Rules and regulations:	
Competitive service, exceptions from:	
Agriculture Department;	
Commerce Department.....	5253
Miscellaneous amendments.....	5253
Post Office Department.....	5253
State Department.....	5253
Leave, annual and sick; fractional pay periods.....	5254
<b>Commerce Department</b>	
Notices:	
Organization and functions:	
Advisory Committee on Export Policy.....	5269
Coast and Geodetic Survey.....	5270
	5253



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## CFR SUPPLEMENTS

(For use during 1955)

The following Supplements are now available:

Title 33 (\$1.50)

Title 46: Part 146 to end (\$1.25)

Previously announced: Title 3, 1954 Supp. (\$1.75); Titles 4-5 (\$0.70); Title 6 (\$2.00); Title 7: Parts 1-209 (\$0.60); Parts 210-899 (\$2.50); Part 900 to end (\$2.25); Title 8 (\$0.45); Title 9 (\$0.65); Titles 10-13 (\$0.50); Title 14: Parts 1-399 (\$2.25); Part 400 to end (\$0.65); Title 15 (\$1.25); Title 16 (\$1.25); Title 17 (\$0.55); Title 18 (\$0.50); Title 19 (\$0.40); Title 20 (\$0.75); Title 21 (\$1.75); Titles 22-23 (\$0.75); Title 24 (\$0.75); Title 25 (\$0.50); Title 26: Parts 1-79 (\$0.35); Parts 80-169 (\$0.50); Parts 170-182 (\$0.50); Parts 183-299 (\$0.30); Part 300 to end and Title 27 (\$1.25); Titles 28-29 (\$1.25); Titles 30-31 (\$1.25); Title 32A, Revised December 31, 1954 (\$1.50); Titles 33-37 (\$0.75); Title 38 (\$2.00); Title 39 (\$0.75); Titles 40-42 (\$0.50); Titles 44-45 (\$0.75); Title 46: Parts 1-145 (\$0.40); Titles 47-48 (\$1.25); Title 49: Parts 1-70 (\$0.60); Parts 71-90 (\$0.75); Parts 91-164 (\$0.50); Part 165 to end (\$0.60); Title 50 (\$0.55)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

## CONTENTS—Continued

<b>Commodity Credit Corporation</b>	Page
Notices:	
Sales of certain commodities;	
July 1955:	
Domestic and export sales	5277
lists.....	
Rice and cotton linters; do-	
mestic sales list supple-	5279
ment.....	
<b>Farmers Home Administration</b>	
Rules and regulations:	
Farm ownership loan limita-	
tions; average values of	5255
farms, Louisiana.....	
<b>Federal Crop Insurance Corpo-</b>	
<b>ration</b>	
Rules and regulations:	
Crop insurance:	
Corn; 1953 and succeeding	5255
years.....	
Multiple; 1950 and succeed-	5255
ing years.....	
<b>Federal Power Commission</b>	
Notices:	
Hearings, etc..	
American Republics Corp. et	5273
al.....	
Frontier Power Co.....	5272
Panhandle Eastern Pipe Line	
Co.....	5273
Union Oil Co. of California	
and Louisiana Land and	5273
Exploration Co.....	
Woolter-Jones Gas Co.....	5273
<b>Fish and Wildlife Service</b>	
Proposed rule making:	
Whaling.....	5258
<b>Interior Department</b>	
See Fish and Wildlife Service.	
<b>Interstate Commerce Commis-</b>	
<b>sion</b>	
Notices:	
Fourth section applications for	5280
relief.....	
<b>Labor Department</b>	
Notices:	
California Department of Em-	5272
ployment, hearing to; amend-	
ment.....	
<b>Post Office Department</b>	
Notices:	
Bureau of Facilities; delegation	
of authority regarding con-	
tracts for architectural and	
engineering services and pro-	
curement of supplies and	5269
services.....	
Rules and regulations:	
Procedure governing admission	
of attorneys to practice be-	5256
fore Department.....	
<b>Securities and Exchange Com-</b>	
<b>mission</b>	
Notices:	
Hearings, etc..	
Eastern Utilities Associates	5274
and Blackstone Valley Gas	
and Electric Co.....	5275
Electric Bond and Share Co.	
Investors Diversified Services,	5274, 5275
Inc. (2 documents).....	
<b>Tax Court of United States</b>	
Notices:	
Special Division, designation of..	5280

## CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

<b>Title 5</b>	Page
Chapter I.	
Part 6 (4 documents).....	5253
Part 30.....	5254
<b>Title 6</b>	
Chapter III.	
Part 311.....	5255
<b>Title 7</b>	
Chapter IV	
Part 416.....	5256
Part 420.....	5256
Chapter IX.	
Part 905 (proposed).....	5259
Part 906 (proposed).....	5262
Part 927 (proposed).....	5267
Part 957 (proposed).....	5269
<b>Title 9</b>	
Chapter I.	
Part 76.....	5250
<b>Title 14</b>	
Chapter I.	
Part 297.....	5250
<b>Title 39</b>	
Chapter I.	
Part 202.....	5256
<b>Title 50</b>	
Chapter I.	
Part 151 (proposed).....	5258

§ 6.111 is revoked, and paragraph (e) (15) is added to § 6.312 as set out below.

§ 6.312 *Department of Commerce.*

\* \* \*

(e) *Business and Defense Services Administration.* \* \* \*

(15) Director of Industrial Defense.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,  
WM. C. HULL,  
*Executive Assistant.*

[F. R. Doc. 55-5960; Filed, July 21, 1955; 8:50 a. m.]

### PART 30—ANNUAL AND SICK LEAVE REGULATIONS

#### FRACTIONAL PAY PERIODS

Effective upon publication in the FEDERAL REGISTER, § 30.207 is added as follows:

§ 30.207 *Fractional pay periods.* An employee shall be given pro rata credit for leave for fractional pay periods occurring within the continuity of employment when his service is interrupted by a non-leave-earning period.

(Sec. 206, 65 Stat. 681)

UNITED STATES CIVIL SERVICE COMMISSION,  
WM. C. HULL,  
*Executive Assistant.*

[F. R. Doc. 55-5958; Filed, July 21, 1955; 8:50 a. m.]

**TITLE 6—AGRICULTURAL CREDIT****Chapter III—Farmers Home Administration, Department of Agriculture****Subchapter B—Farm Ownership Loans****PART 311—BASIC REGULATIONS****SUBPART B—LOAN LIMITATIONS****AVERAGE VALUES OF FARMS; LOUISIANA**

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

LOUISIANA	Average value
Parish:	
Acadia	\$30,000
Allen	30,000
Ascension	30,000
Assumption	30,000
Avoyelles	20,000
Beauregard	18,000
Bienville	18,000
Bossier	20,000
Caddo	20,000
Calcasieu	30,000
Caldwell	20,000
Cameron	30,000
Catahoula	18,000
Claiborne	18,000
Concordia	20,000
De Soto	18,000
East Baton Rouge	18,000
East Carroll	20,000
East Feliciana	20,000
Evangeline	30,000
Franklin	20,000
Grant	20,000
Iberia	30,000
Iberville	30,000
Jackson	16,000
Jefferson	18,000
Jefferson Davis	30,000
Lafayette	30,000
Lafourche	30,000
La Salle	16,000
Lincoln	18,000
Livingston	18,000
Madison	20,000
Morehouse	20,000
Natchitoches	20,000
Orleans	18,000
Ouachita	20,000
Plaquemines	18,000
Pointe Coupee	30,000
Rapides	20,000
Red River	20,000
Richland	20,000
Sabine	16,000
St. Bernard	18,000
St. Charles	30,000
St. Helena	18,000
St. James	30,000
St. John the Baptist	30,000
St. Landry	30,000
St. Martin	30,000
St. Mary	30,000
St. Tammany	18,000
Tangipahoa	18,000
Tensas	20,000
Terrebonne	30,000
Union	18,000
Vermilion	30,000
Vernon	16,000
Washington	18,000
Webster	18,000
West Baton Rouge	30,000

**LOUISIANA—Continued**

Parish—Continued	Average value
West Carroll	\$20,000
West Feliciana	20,000
Winn	16,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets and applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: July 15, 1955.

[SEAL]

R. B. McLEAISE,  
Administrator,  
Farmers Home Administration.

[F. R. Doc. 55-5966; Filed, July 21, 1955;  
8:51 a. m.]

**TITLE 7—AGRICULTURE****Chapter IV—Federal Crop Insurance Corporation****PART 416—CORN CROP INSURANCE****SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS****APPENDIX**

Pursuant to authority contained in paragraph (a) of § 416.1 of the above-identified regulations, as amended (17 F. R. 10531, 18 F. R. 3632, 6989; 19 F. R. 5602) the following counties have been designated for insurance for the 1955 crop year.

Illinois:	Maryland:
Adams.	Kent.
Carroll.	Michigan:
Livingston.	Monroe.
McDonough.	Minnesota:
Montgomery.	Blue Earth.
Sangamon.	Brown.
Tazewell.	Cottonwood.
Indiana:	Jackson.
Carroll.	Martin.
Clinton.	Meeker.
Decatur.	Mower.
De Kalb.	Murray.
Delaware.	Nobles.
Huntington.	Pipestone.
Jackson.	Redwood.
Johnson.	Renville.
Marshall.	Rice.
Miami.	Rock.
Starke.	Wabasha.
Wayne.	Watsonwan.
Iowa:	Missouri:
Boone.	Atchison.
Buena Vista.	Bates.
Cass.	Henry.
Cerro Gordo.	Jasper.
Chickasaw.	Johnson.
Clayton.	Lawrence.
Crawford.	Marion.
Fayette.	Nodaway.
Floyd.	Pettis.
Fremont.	Vernon.
Hancock.	Nebraska:
Jones.	Boone.
Linn.	Cass.
Lyon.	Cedar.
Madison.	Cuming.
Mitchell.	Pierce.
Osceola.	Richardson.
Pottawattamie-	Saunders.
West.	Ohio:
Poweshiek.	Hancock.
Sloux.	Hardin.
Story.	Medina.
Washington.	Preble.
Webster.	Seneca.
Kansas:	Van Wert.
Atchison.	Wayne.
Brown.	Pennsylvania:
Jackson.	Chester.
Marshall.	South Dakota:
Nemaha.	Brookings.
Washington.	Clay.

South Dakota—Con.	Wisconsin—Con.
Lincoln.	Dane.
Minnehaha.	Lafayette.
Moody.	Pierce.
Wisconsin:	Sauk.
Columbia.	Trempealeau.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507-509, 52 Stat. 73-75, as amended; 7 U. S. C. 1507-1509)

[SEAL]

C. S. LAIDLAW,  
Manager,  
Federal Crop Insurance Corporation.

[F. R. Doc. 55-5949; Filed, July 21, 1955;  
8:48 a. m.]

**PART 420—MULTIPLE CROP INSURANCE****SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS****APPENDIX**

Pursuant to authority contained in paragraph (a) of § 420.20 of the above-identified regulations, as amended (14 F. R. 5303, 6787, 7627; 15 F. R. 2485, 2622, 3077, 4161, 9033, 9271, 16 F. R. 579, 4300, 4329, 12111, 12765; 17 F. R. 2110, 2385, 3265, 3671, 5082, 5933, 8206, 10537, 11257, 11379; 18 F. R. 151, 440, 3634, 4418, 6282, 6992, 7222, 8080, 8530; 19 F. R. 470, 509, 2287, 3017, 5604, 5933, 8233; 20 F. R. 1913) the following counties have been designated for insurance for the 1955 crop year.

Arkansas:	Minnesota—Con.
Arkansas.	Stevens.
Colorado:	Swift.
Conejos.	Missouri:
Las Animas.	Audrain.
Morgan.	Knox.
Otero.	Nebraska:
Weld.	Antelope.
Illinois:	Pawnee.
Hamilton.	Washington.
Jasper.	New York:
Wayne.	Steuben.
Indiana:	North Dakota:
Hendricks.	Barnes.
Iowa:	Dickey.
Delaware.	Grand Forks.
Emmet.	La Moure.
Hamilton.	Pierce.
Howard.	Ransom.
Humboldt.	Richland.
Ida.	Sargent.
Tama.	Steele.
Union.	Ohio:
Warren.	Union.
Winnebago.	Oregon:
Worth.	Decatur.
Kansas:	Linn.
Bourbon.	Malheur.
Cherokee.	Marion.
Franklin.	Pennsylvania:
Linn.	Lebanon.
Montgomery.	Somerset.
Louisiana:	South Dakota:
Saint Martin.	Bon Homme.
Vermillion.	Day.
Michigan:	Deuel.
Allegan.	Hamlin.
Gratiot.	Hutchinson.
Jackson.	Kingsbury.
Minnesota:	Lake.
Dakota.	McCook.
Dodge.	Miner.
Faribault.	Tennessee:
Goodhue.	Franklin.
Kandiyohi.	Obion.
McLeod.	Weakley.
Nicollet.	Texas:
Sherburne.	Bunnels.
Stearns.	Taylor.

Utah:  
Duchesne.  
Emery.  
West Virginia:  
Berkeley.

Wisconsin:  
Fond du Lac.  
Wyoming:  
Platte.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507-509, 52 Stat. 73-75, as amended; 7 U. S. C. 1507-1509)

[SEAL] C. S. LADLAW,  
Manager  
Federal Crop Insurance Corporation.  
[F. R. Doc. 55-5950; Filed, July 21, 1955;  
8:48 a. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 58]

#### PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

##### SUBPART B—VESICULAR EXANTHEMA

###### CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125) sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111-113, 120) and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117) § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (20 F. R. 2881, 2973, 3499, 3931, 4397, 4841) which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

1. New subdivisions (xiii) and (xiv) are added to subparagraph (8) of paragraph (d) relating to Gloucester County in New Jersey to read:

(xiii) Lot No. 23 in Block 233 in Deptford Township, owned by William Ulleg, Jr., and operated by Ulleg Brothers; and  
(xiv) Lot No. 8 in Block 86 in Deptford Township, owned and operated by A. Rodney.

2. A new subdivision (viii) is added to subparagraph (11) of paragraph (d) relating to Monmouth County in New Jersey to read:

(viii) That part of Middletown Township lying southeast of the Garden State Parkway, north of West Front Street, and east of Nut Swamp Road.

3. A new subdivision (vii) is added to subparagraph (3) of paragraph (f) relating to Kent County in Rhode Island, to read:

(vii) That part of the Town of West Warwick lying north of East Greenwich Avenue, south of Division Street, east of Quaker Lane, and west of New London Pike.

**Effective date.** The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in New Jersey and Rhode Island from

the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1954 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies secs. 4, 5, 23 Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 18th day of July 1955.

[SEAL] M. R. CLARKSON,  
Acting Administrator  
Agricultural Research Service.

[F. R. Doc. 55-5946; Filed, July 21, 1955;  
8:47 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

#### Subchapter B—Economic Regulations

[Reg. ER-204]

#### PART 297—CLASSIFICATION AND EXEMPTION OF INTERNATIONAL AIR FREIGHT FORWARDERS

##### EXTENSION OF OPERATING AUTHORITY

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 18th day of July 1955.

Part 297 of the Economic Regulations, which established the classification of and granted temporary exemption to international air freight forwarders, will expire on August 24, 1955, so far as the temporary authority therein provided is concerned. Accordingly, unless this operating authority is extended either by Board regulation or by operation of law, the present holders of letters of registration heretofore issued under Part 297 will not be permitted to continue to operate after that date.

On May 3, 1955, the Board instituted a comprehensive investigation<sup>1</sup> concerning the services of air carriers indirectly engaged in oversea and foreign air transportation of property. Included as a basic issue in this investigation was the question of whether the public interest requires the renewal and/or amendment of Part 297 of the Economic Regulations.

In the order instituting the investigation (Order No. E-9179) the Board recited that "inasmuch as the renewal of

the authority of every holder of a letter of registration under Part 297 will be in issue in this proceeding, we are making each such holder, and every applicant for such a letter, as of the date of the prehearing conference herein, a party to this proceeding." The order further stated that such persons would automatically be considered as applicants for authority as an air carrier to engage indirectly in oversea and foreign air transportation of property if they make a due showing respecting those matters in issue in that proceeding. The need for an extension of operating authority during the pendency of the proceeding was recognized in a footnote to such order.

In order to carry out the Board's intention, above referred to, the most effective method is through the adoption of a regulation extending the effectiveness of the current exemption set forth in § 297.8 until 60 days after the final Board disposition of Docket 7132. While there is some question under the circumstances whether this extension might not be enjoyed by international air freight forwarders as a matter of law, the issuance of this regulation will clarify the situation and remove all doubt.

Since this amendment is technical in nature, imposes no additional requirement on any person, and operates to relieve international air freight forwarders of an unnecessary burden, it may be made effective immediately and without prior notice to the public.

In consideration of the foregoing, the Board hereby amends § 297.8 of the Economic Regulations (14 CFR Part 297) effective July 18, 1955, to read as follows:

§ 297.8 *Duration.* The temporary authority provided by this part shall continue in effect until 60 days after the final Board disposition of Docket 7132, the International Air Freight Forwarder Investigation.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 1, 416, 52 Stat. 977, as amended, 1004; 49 U. S. C. 401, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 55-5968; Filed, July 21, 1955;  
8:52 a. m.]

## TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

#### PART 202—PROCEDURE BEFORE THE SOLICITOR

##### SUBPART A—PROCEDURE GOVERNING THE ADMISSION OF ATTORNEYS TO PRACTICE BEFORE THE POST OFFICE DEPARTMENT

In Part 202—Procedure Before the Solicitor, amend Subpart A—Procedure Governing the Admission of Attorneys to Practice Before the Post Office Department, to read as follows:

Sec.  
202.1 Roster of attorneys.  
202.2 Requisites to admission.  
202.3 Persons ineligible for admission to practice.  
202.4 Authorization of appearance required.

<sup>1</sup> Docket No. 7132 (20 F. R. 3136).

Sec.

- 202.5 Complaint of misconduct.  
 202.6 Suspension and disbarment from practice; grounds.  
 202.7 Notice of disbarment; exclusion from practice.

AUTHORITY: §§ 202.1 to 202.7 issued under R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369.

§ 202.1 *Roster of attorneys.* A register of all persons entitled to practice as attorneys before the Post Office Department will be kept in the office of the Solicitor.

§ 202.2 *Requisites to admission.* Except as provided in § 202.3, any attorney at law admitted to practice, and in good standing, before any court of the United States or the District of Columbia, or the highest court of any State or Territory, may register by filing with the Solicitor an affidavit in the form set out below. The Solicitor may, if he so desires, require additional proof of applicant's qualifications under this section.

APPLICATION FOR ADMISSION TO PRACTICE BEFORE THE POST OFFICE DEPARTMENT

I, \_\_\_\_\_ hereby apply for admission to practice as an attorney before the Post Office Department in accordance with the Procedure Governing the Admission of Attorneys to Practice Before the Department, and on oath state:

1. My office address is \_\_\_\_\_,  
 (Street and number)

\_\_\_\_\_  
 (City and State)

2. I was admitted to practice as an attorney at law by the \_\_\_\_\_ Court of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and am now a member in good standing of the bar of that Court.

3. I have never been suspended or disbarred from practice before any court or any State or Federal governmental agency or establishment (state here any exception) \_\_\_\_\_

4. I do not hold any office of trust or profit under the Government of the United States (state here any exception) \_\_\_\_\_

5. (If applicant has held such an office of trust or profit, state last such office and when terminated) \_\_\_\_\_

6. I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will demean myself as an attorney before the Post Office Department uprightly and according to law. So help me God.

\_\_\_\_\_  
 (Signature of applicant)

Subscribed in my presence, and sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
 (Title)

My commission expires \_\_\_\_\_

§ 202.3 *Persons ineligible for admission to practice.* (a) No attorney disbarred from practice in this Department

or any other Executive Department will be placed upon said register until said order of disbarment shall have been revoked.

(b) Any attorney who, subsequently to being placed on said list, is disbarred by any other Executive Department, shall be deemed suspended from practice in this Department during the pendency of said order of disbarment.

(c) No person who has been an attorney, officer, clerk, or employee in this Department will be recognized as counsel or attorney for prosecuting before this Department or any office thereof any case or matter with which he was in anywise connected while he was such attorney, officer, clerk, or employee.

(d) No person coming within the prohibitions of 5 U. S. C. 99, 18 U. S. C. 281, or 18 U. S. C. 283, will be recognized as attorney before this Department or any office thereof.

§ 202.4 *Authorization of appearance required.* The head of any bureau or office may require an attorney to present satisfactory evidence of his authority to represent the person for whom he appears.

§ 202.5 *Complaint of misconduct.* If the head of any bureau or office of the Department has reason to believe, or if complaint be made to him, that any attorney is guilty of conduct subjecting him to suspension or disbarment, the head of such office shall report the same to the Solicitor, who shall proceed in accordance with the rules issued by him, which are set forth in §§ 202.20 to 202.41.

§ 202.6 *Suspension and disbarment from practice; grounds.* Any attorney or representative who is guilty of conduct falling in one or more of the following categories may be suspended or disbarred:

(a) Who charges or receives, either directly or indirectly, in cases before the Post Office Department arising under the Federal Tort Claims Act (62 Stat. 869, 28 U. S. C. 2678), any fee or compensation in excess of that provided for by section 2678 of said act, or in cases before the Department not arising under said act, any fee or compensation deemed to be grossly excessive in relation to the services performed.

(b) Who, with intent to defraud or deceives, bribes, attempts to bribe, coerces, or attempts to coerce, by any means whatsoever, any person, including a party to a case, or an officer or employee of the Post Office Department or postal service, to commit an act or to refrain from performing an act in connection with any case;

(c) Who wilfully misleads, misinforms, or deceives an officer or employee of the Post Office Department or postal service concerning any material and relevant fact in connection with a case;

(d) Who wilfully deceives, misleads, or threatens any party to a case concerning any matter relating to the case;

(e) Who solicits practice by means of runners or other unethical methods;

(f) Who represents, as an associate, an attorney who, known to him, solicits practice by means of runners or other unethical methods;

(g) Who has been temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in any court, Federal, State (including the District of Columbia) territorial, or insular;

(h) Who is temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in a representative capacity before any executive department, board, commission, or other Governmental unit, Federal, State (including the District of Columbia), territorial, or insular;

(i) Who, by use of his name, personal appearance, or any device, aids and abets an attorney to practice during the period of his suspension or disbarment, such suspension, or disbarment being known to him;

(j) Who wilfully made false statements in his application for admission to practice or in his participation in any case;

(k) Who engages in contumelious or otherwise unprofessional conduct with respect to a case in which such attorney acts in a representative capacity which would constitute cause for suspension or disbarment were the case pending before a court;

(l) Who, having been furnished with a copy or copies of any portion of the record in any case, wilfully fails to surrender such copy or copies upon final disposition of the case, or wilfully and without authorization makes and retains a copy or copies of the material furnished;

(m) Who has been convicted of a felony, or, having been convicted of any crime, is sentenced to imprisonment for a term of one year or more;

(n) Who no longer possesses the qualifications required for admission to practice.

§ 202.7 *Notice of disbarment; exclusion from practice.* Upon the disbarment of an attorney, notice thereof will be given to the heads of the offices of this Department and to the other Executive Departments, and thereafter, until otherwise ordered, such disbarred persons will not be recognized as attorneys before the Post Office Department or any office thereof.

[SEAL]

ABE MCGREGOR GOFF,  
 The Solicitor.

[F. R. Doc. 55-5636; Filed, July 21, 1955; 8:46 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### [ 50 CFR Part 151 ]

#### WHALING

#### NOTICE OF PROPOSED RULE MAKING

In accordance with Section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237, 239), notice is hereby given that under the authority contained in section 12 of the Whaling Convention Act of 1949 (64 Stat. 421-425; 16 U. S. C., 1946 ed., Supp. IV 916-916.1) the Secretary of the Interior intends to adopt regulations affecting the conduct of whaling operations.

All persons who desire to submit written data, views, or arguments in connection with the proposed regulations may do so by filing them with John L. Farley, Director, Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., not later than 30 days from the publication of this notice in the FEDERAL REGISTER.

The proposed regulations are as follows:

**Basis and purpose.** Sections 151.1 to 151.61 are issued by the Secretary of the Interior to give effect to Articles VI, VII, VIII, and IX of the International Convention for the Regulation of Whaling signed in Washington, December 2, 1946, and in furtherance of the obligations of the Secretary under the Whaling Convention Act of 1949 (64 Stat. 421-425; 16 U. S. C., 1946 ed., Supp. IV 916-916.1)

#### DEFINITIONS

- Sec.  
151.1 Factory ship.  
151.2 Land station.  
151.3 Secondary processing land station.  
151.4 Whale catcher.

#### LICENSES

- 151.10 Licenses required to engage in whaling.  
151.11 Applications for licenses.

#### CLOSED SEASONS

- 151.20 Catchers attached to land stations taking baleen whales.  
151.21 Catchers attached to land stations taking sperm whales.  
151.22 Catchers attached to factory ships taking sperm whales.

#### RECORDS AND REPORTS

- 151.30 Records to be maintained on whale catchers.  
151.31 Records to be maintained on factory ships and at land stations.  
151.32 Records to be maintained at secondary processing land stations.  
151.33 Report on employment, craft, and products of whaling operations.

#### SALVAGE OF UNCLAIMED WHALES

- 151.40 No processing license required.  
151.41 Reporting of salvage of dead whales required.

#### MOLESTING OR UNAUTHORIZED INTERFERENCE WITH WALES

- 151.50 Molesting whales prohibited.

#### INSPECTION AND ENFORCEMENT

- Sec.  
151.60 Fish and Wildlife Service employees designated as enforcement officers.  
151.61 State officers designated as enforcement officers.

AUTHORITY: §§ 151.1 to 151.61 issued under sec. 12, 64 Stat. 425, 16 U. S. C., 1946 ed., Supp. IV, 916 j.

#### DEFINITIONS

§ 151.1 *Factory ship.* The words "factory ship" mean a vessel in which or on which whales are treated or processed, whether wholly or in part.

§ 151.2 *Land station.* The words "land station" mean a factory on the land at which whales are treated or processed, whether wholly or in part.

§ 151.3 *Secondary processing land station.* The words "secondary processing land station" mean a factory on the land which receives from a land station for further processing any or all of those parts of whales which are required, by paragraph 12 of the Schedule of the Whaling Convention of 1946 as amended (§ 351.12 of this title) to be processed by boiling or otherwise.

§ 151.4 *Whale catcher.* The words "whale catcher" mean a vessel used for the purpose of hunting, taking, towing, holding on to, or scouting for whales.

#### LICENSES

§ 151.10 *License required to engage in whaling.* No person shall engage in the taking or processing of blue whales, fin whales, humpback whales, sei whales, minke whales, or sperm whales without first having obtained an appropriate license.

§ 151.11 *Applications for licenses.* Applications for licenses to engage in the taking and processing of whales shall be submitted to the Director of the Fish and Wildlife Service, Department of the Interior, Washington 25, D. C. Such application shall be accompanied by the affidavit or affidavits prescribed in section 6 (d) and (e) of the Whaling Convention Act of 1949 and by a certified check or United States Postal Money Order payable to the Treasurer of the United States in the appropriate amount as prescribed by the scale of license fees in section 6 (b) of the Whaling Convention Act of 1949.

#### CLOSED SEASONS

§ 151.20 *Catchers attached to land stations taking baleen whales.* It is forbidden to use a catcher boat attached to a land station for the purpose of taking or killing baleen whales except during the period May 1 to October 31 following, both days inclusive.

§ 151.21 *Catchers attached to land stations taking sperm whales.* It is forbidden to use a catcher boat attached to a land station for the purpose of taking or killing sperm whales except during the period April 1 to November 30 following, both days inclusive.

§ 151.22 *Catchers attached to factory ships taking sperm whales.* It is forbidden to use a catcher boat attached to a factory ship for the purpose of taking sperm whales except during the period April 1 to November 30 following, both days inclusive.

#### RECORDS AND REPORTS

§ 151.30 *Records to be maintained on whale catchers.* There shall be maintained on each whale catcher a suitable log book or other record in which shall be recorded the following information, and such record shall be available for inspection by any person authorized by law or by this part to act as an inspector or enforcement officer, who shall be permitted to abstract therefrom such information as may be needed by the United States Government:

(a) The date and hour of the killing or capture of each whale;

(b) The point in latitude and longitude where each whale is killed or captured;

(c) The species of each whale killed or captured;

(d) The time of delivery of each whale to the land station or factory ship;

(e) Data specified under paragraphs (a) (b) and (c) of this section for each whale killed and later lost, or for some other reason not delivered to a factory ship or land station for processing, with an account of the circumstances surrounding such loss or non-delivery.

(f) Any observations on migration of whales and on location of calving grounds.

§ 151.31 *Records to be maintained on factory ships and at land stations.* (a) There shall be maintained in duplicate on board each factory ship and at each land station a detailed record of all whales received and processed as follows:

(1) Serial number of the whale (begin with number 1 on January 1 of each year)

(2) Species of the whale.

(3) Date and time killed and date and time received by the factory ship or land station.

(4) Sex of the whale.

(5) Length of the whale (length to be measured as specified in paragraph 9 (d) of the Schedule of the Whaling Convention of 1946, § 351.9 (d) of this title)

(6) Sex of embryo if present.

(7) Length of embryo in feet and inches.

(8) A description of the stomach contents of the whale.

(9) Name of whale catcher which took the whale.

(10) Name of gunner who killed the whale.

(11) The exact location in which the whale was taken, stated in degrees and minutes of latitude and longitude.

(12) Under "Remarks" enter, if the whale is a female, whether lactating or milk-filled as well as abnormalities or peculiarities concerning the whale and the character and quantity of any por-



tion of the whale transferred to a secondary processing plant.

(b) Each sheet of such reports shall be verified or approved by a person authorized by law or by this part to act as inspector or enforcement officer, and the said duplicate reports for each calendar year shall be submitted to the Director of the Fish and Wildlife Service, Washington 25, D. C., within 30 days after the end of each calendar year.

§ 151.32 *Records to be maintained at secondary processing land stations.* (a) There shall be maintained by all licensed secondary processing land stations receiving from land stations parts of whales for further processing a suitable ledger or book in which the following information shall be recorded, and such records shall be available for inspection by any authorized person:

- (1) The kind and quantity of parts of whales received.
- (2) The date of receipt thereof.
- (3) The kind and quantity of products derived therefrom.

(b) Said ledger or book or certified true copies thereof shall be submitted in duplicate to the Director of the Fish and Wildlife Service, Washington 25, D. C., within 30 days after the end of each calendar year.

§ 151.33 *Report on employment, craft, and products of whaling operations.* The person or persons responsible for the operation of every factory ship, land station and secondary processing land station shall submit in duplicate annually to the Director of the Fish and Wildlife Service, Washington 25, D. C., within 30 days after the end of each calendar year, a report on employment, craft and products, which shall show the number of persons employed, the nature of the task which each performs, and the manner in which each is remunerated; the number and type of vessels operated, including the net tonnage and horsepower of catcher boats and the gross tonnage and horsepower of other vessels; and the quantity and type of products manufactured, including semi-processed products delivered to secondary processing land stations. Such reports shall be subscribed and sworn to by the person or persons responsible for the operation of said factory ships, land station and secondary processing land station before a notary public or a person authorized by law or by this part to act as inspector or enforcement officer.

#### SALVAGE OF UNCLAIMED WHALES

§ 151.40 *No processing license required.* No license shall be required for the salvage and processing of any dead whale found upon a beach or stranded in shallow water, or of any unclaimed dead whale found floating at sea.

§ 151.41 *Reporting of salvage of dead whales required.* (a) Any person or persons salvaging and/or processing any dead whale of any of the species enumerated in § 151.10 shall submit a report in writing to the Director of the Fish and Wildlife Service, Washington 25, D. C.

(b) Such report shall show the date and exact locality in which such dead whale was found, its length, species if determinable, the disposition made of the whale, the firm utilizing or processing it, the products derived therefrom, and any other relevant facts.

#### MOLESTING OR UNAUTHORIZED INTERFERENCE WITH WHALES

§ 151.50 *Molesting whales prohibited.* The chasing, molesting, exciting, or interfering, with firearms or by any other manner or means, with any whale of the species listed in § 151.10 or protected by the provisions of the International Convention for the Regulation of Whaling of 1946 is prohibited. Persons violating this section shall, upon arrest and conviction, be subject to the penalties imposed by the Whaling Convention Act of 1949.

#### INSPECTION AND ENFORCEMENT

§ 151.60 *Fish and Wildlife Service employees designated as enforcement officers.* Any employee of the Fish and Wildlife Service duly appointed and authorized to enforce Federal laws and regulations administered by the Department of the Interior and the Fish and Wildlife Service is authorized and empowered to act as a law enforcement officer for the purposes set forth in the Whaling Convention Act of 1949.

§ 151.61 *State officers designated as enforcement officers.* Any employee of a State government who has been duly designated by the Director of the Fish and Wildlife Service, with the consent of the State government concerned, is authorized and empowered to act as a Federal law enforcement officer for the purposes set forth in the Whaling Convention Act of 1949.

Dated: July 15, 1955.

DOUGLAS MCKAY,  
Secretary of the Interior.

[F. R. Doc. 55-5934; Filed, July 21, 1955;  
8:45 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Part 905]

[Docket No. AO 203-A6]

#### HANDLING OF MILK IN OKLAHOMA CITY, OKLA., MARKETING AREA

#### NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with

respect to a proposal to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing on the record of which the following findings and conclusions were formulated was held at Oklahoma City, Oklahoma, on March 31-April 1, 1955, pursuant to notice thereof issued on March 22, 1955 (20 F. R. 1827).

The material issues of the hearing related to:

1. The supply-demand adjustment of the Class I price;
2. The definition of "approved plant";
3. Payments under the base-excess plan for the month of July; and
4. Allocation of other source milk during periods of short supply.

No evidence was offered in support of a proposal to provide an increased price to apply to Class I milk sold in bulk form to out-of-area points.

*Findings and conclusions.* 1. The provisions for adjustment of the Class I price on the basis of supply-demand factors should be amended.

The Class I price of the Oklahoma City order is presently adjusted whenever the ratio of producer receipts to Class I sales in the two-month period immediately preceding varies by more than two percentage points from a norm for that period stated in the order. For each percentage point in excess of two by which this ratio varies from the norm the Class I price is increased or decreased at a rate that varies seasonally from 2 to 4 cents. For four fall months increases are computed at 4 cents per point and decreases at 2 cents per point; for three spring months increases are computed at 2 cents per point and decreases at 4 cents per point; for all other months increases and decreases are each computed at 3 cents per point. A maximum limit of adjustment of 50 cents is provided.

Both producers and handlers proposed that changes be made in the normal percentages included in the supply-demand adjuster, and that the maximum limit of adjustment be reduced. The normal percentage proposed by producers were derived from the actual experience of the market in the last two years, and were set at 5 percentage points less than such average experience. Handlers merely proposed to change the seasonal relationship of normal percentages by reducing the normal percentages for certain periods and increasing those for other periods. Producers proposed that the maximum limit of adjustment be 23 cents while handlers proposed 32 cents. In addition producers proposed that no supply-demand adjustment for any of the months of September through December should result in a Class I price less than for the preceding month and that for the months of April through

June supply-demand adjustment should not result in a Class I price higher than for the preceding month.

Supply-demand adjustment provisions have been included in the Oklahoma City order since July 1, 1952. The standard utilization percentages (norms) first included in the provision were adjusted upward 3 percentage points by amendment effective March 1, 1954. For the thirty-three month period from July 1952 through March 1955, inclusive, the Class I price has been adjusted by an average decrease of 15.7 cents. For the last 6 months of 1952 there was an average increase of 16.3 cents, for 1953 an average decrease of 25.6 cents, for 1954 an average decrease of 21.9 cents and for the first three months of 1955 an average decrease of 17 cents.

Substantial changes in production and marketing conditions have occurred in the Oklahoma City market since 1952. Prior to 1952, Oklahoma City milk supplies were not adequate for local needs during certain fall months each year. Since 1952 local supplies have been such that no imports of Grade A milk were made except from late July to early October 1954 when excessive temperatures and a severe drought adversely affected production conditions. Producer numbers increased steadily from July 1952 through October 1953 but have since declined to about the level of January 1953. Production per farm has continued to increase throughout the period but the rate of increase is not now so rapid as in 1953. The seasonal pattern of production in the Oklahoma City milk shed in the last two years has varied significantly from that which prevailed during the period prior to 1952 used in construction of the present norms. As a consequence, the seasonal pattern of utilization has varied significantly from that of the norms. It was contended that this factor coupled with the rapid rate of price adjustment presently provided had resulted in erratic and contra-seasonal pricing.

Producers contend that larger reserve supplies of milk are now required in order that the market be adequately supplied with milk. They point to the period from late July to early October 1954 when substantial quantities of Grade A milk were imported from other areas although the lowest ratio of producer receipts to Class I sales for any month was 113.82 percent (in September). Based on 1954 experience, producers proposed that a normal ratio of 116 percent of Class I sales be provided for the two-month period of short supply. Prior experience in the Oklahoma City market has indicated that reserves in this amount were not then necessary. A substantial increase in the annual level of the norms would have the same effect as an increase in the fixed price differential. While there are indications in the record that supplies and sales are now in better balance than in 1953 or early 1954 this is largely attributed to increased Class I sales rather than to loss of production. The present and revised supply-demand adjusters recognize this through price change without any provision for a fixed change in the

price level. It is concluded that the annual level of the norms included in the supply-demand adjustment should not be changed substantially upon the basis of this record but the current seasonal relationships should be reflected. In establishing the current seasonal relationships it was necessary to adjust recent experience for the trend of increasing production per farm, unusual changes in producer members, and the effect of abnormal weather conditions in 1954.

The proposals to prevent the contra-seasonal movement of prices resulting from supply-demand adjustment should not be adopted. Such provisions would delay for considerable periods of time price changes whenever supplies became more plentiful in relation to demand in fall months or less plentiful in spring months. It was contended that price declines in fall months tended to reduce the effectiveness of the base plan of the order. The base plan is designed to affect the seasonality of production. Price declines from supply-demand adjustment in the base making period could arise only from increased level of production or decreased Class I sales. Such a situation indicates the probability that more base is being established than will be needed. Accordingly, it is appropriate that the Class I price reflect this situation in the base making period.

In lieu of the proposals to reduce the limit in the total amount of adjustment from 50 cents to 23 or 32 cents, provision should be made for the rate of adjustment for variations from the standards adopted to be rather nominal when such variations first appear, but to be increased progressively as a variation of like direction and amount persists through two or three consecutive two-month periods. Such a provision will serve to dampen the rapidity of price changes and will avoid substantial price increases or decreases based on non-recurring deviations from the established norms. Substantial price adjustment will, however, occur when under-supply or oversupply representing significant deviations from the established norms persists for a reasonable period of time.

This is accomplished by providing that for each percentage point of net deviation the price shall be adjusted one cent, plus one cent for each such percentage point for which there was a net deviation of like extent and character in the first two-month period next preceding, plus one additional cent for each such percentage point for which there was a net deviation of like extent and character in each of the first and second two-month periods next preceding. For convenience minimum and maximum normal percentages are stated, separated by the same area of no adjustment as presently provided. There is no seasonal change in the rate of adjustment, since the variation now depends upon the persistency of the deviation.

For the thirty-three month period for which supply-demand provisions have been effective in the Oklahoma City order the provisions herein adopted would have resulted in an average adjustment in the Class I price of minus 10.9 cents compared with the minus 15.7 cents that

actually occurred. For the thirteen month period (March 1954 through March 1955) for which the present order provisions have been effective the revised adjuster would have resulted in an average adjustment of minus 12.6 cents whereas the actual adjustment averaged minus 16.6 cents. During this period the range of adjustments would have been reduced from 88 cents (minus .48 to plus .40) to 45 cents (minus .37 to plus .08). It is concluded that this adjustment would have provided a reasonable pattern of pricing in the Oklahoma City market under the conditions prevailing in 1954 and should provide appropriate adjustment of the Class I price under conditions now prevailing in the market.

2. The definition of "approved plant" should be amended to include the plant of a cooperative association even though such plant does not distribute milk on routes in the marketing area.

"Approved plants" whose receipts of Grade A milk are priced and pooled under the Oklahoma City order are presently restricted to those which operate routes in the marketing area. No specific performance requirements are required as a prerequisite to pooling the receipts of such plants. Historically, all of the regular supply of milk for the Oklahoma City market is delivered directly from the farms on which it is produced to the bottling plant from which it is distributed on routes in the marketing area. No country supply plants as such have been associated with the market as a part of the regular supply and no provision for such plants is presently included in the order.

While the notice of hearing contained a proposal to define supply plants and to establish specific requirements for receipts of such plants to be included in the pool, the handlers making this proposal supported a modified proposal dealing only with association-operated plants and offered no evidence in support of the more general proposal. The notice of this hearing did not provide opportunity to receive evidence with respect to location differentials applicable either to supply plants or to route-operating plants. Provision for supply plants without such differentials would have little practical meaning. Under these circumstances this record provides no basis for defining potential supply plants to be included in the pool.

The Central Oklahoma Milk Producers Association is the only cooperative association representing producers in the Oklahoma City market. It is now completing the construction of a plant designed to aid in equalizing the supply of milk to handlers on the market and to assist in the orderly handling of seasonal surpluses. The association has for the past year disposed of surplus milk by using its tank truck for moving milk received at handlers' approved plants from such plants to unapproved plants equipped for manufacturing milk products. The record indicates it is the intention of the association to use its new plant for the assembly of milk for surplus disposal, and to supply handlers whose direct receipts may be less than their current needs. The plant is not a coun-



try supply plant but is located in the marketing area.

If not defined as an approved plant large proportions of the receipts of this plant would doubtless be included in the pool under present order provisions as milk diverted from approved plants for the account of the cooperative association. Unapproved status would, however, interfere with service to the market in supplying milk from the plant to other handlers and in anticipating market needs for new producers. Provision should be made for including in the approved plant definition this plant and any other plant of a comparable nature operated by a cooperative association similarly identified with and rendering service to the marketing area. Such a plant should be operated by a cooperative association having member producers whose milk is received at the approved plants of other handlers. For approved plant status health authority approvals of such plant and the producers supplying it should be from a municipality of the marketing area, in order that definite identity of such receipts with the regular supply of the market may be maintained. Specific percentage performance requirements of the plant or the cooperative association should not be required since no such requirements apply to route operating plants, and any such requirements for the cooperative plant could be avoided by token route operations.

The provisions with respect to route-operating plants should be clarified by a definition of the term "route" and by making it clear that the approved receipts of any such plant distributing Grade A milk in the area will be priced and pooled (unless regulated under another order) regardless of the particular health authority which may issue producer permits.

3. No change should be made on the basis of the record of this hearing to change the months for which base-excess payments are computed.

Base and excess prices are presently computed under the order for milk delivered in the months of February through July. Handlers proposed that blend prices be computed for milk delivered in the month of July.

The present provisions became effective March 1, 1954, prior to which base-excess prices were effective only for the months of April through June. While milk production dropped rapidly in July 1954 due to the conditions mentioned elsewhere in this decision, there is no indication that the use of the base-excess plan for this month caused any problem in the market. More experience under the present provisions is needed in order to evaluate the need for any change.

4. The order should not be amended to provide that other source milk be allocated pro rata with producer milk under specified conditions of short supply.

Handlers proposed that in any month in which the producer milk received by a handler is less than 110 percent of his Class I sales and the market administrator determines that producer milk is not available to such handler at plants of other handlers at the Class I price plus

reasonable handling charge, then other source milk should be allocated to each class pro rata with producer milk. Producer receipts have prior claim to Class I sales under present provisions of the order.

The proposal would serve to reduce the uniform price to producers in periods of short supply when price encouragement is most necessary. It would also require administrative determination concerning resale prices of milk between handlers which are not subject to regulation under the order. Similar proposals have been considered at prior hearings in this market without being adopted. This record provides no basis for arriving at a different conclusion. The proposal should not be adopted.

**General findings.** (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

**Rulings on proposed findings and conclusions.** Briefs were filed on behalf of the Central Oklahoma Milk Producers Association and handlers subject to the order.

The briefs contained proposed findings, conclusions and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

**Recommended marketing agreement and order.** The following order amending the order, as amended, is recommended as the detailed and appropriate means whereby the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order as hereby proposed to be amended.

1. Delete § 905.7 and substitute therefor the following:

§ 905.7 *Approved plant.* "Approved plant" means:

(a) A milk plant approved by a municipal or state health authority having jurisdiction in the marketing area for the handling of Grade A milk or milk products and from which Class I milk is disposed of on route(s) in the marketing area;

(b) A milk plant which is supplying Class I milk to a Federal installation or base in the marketing area, or

(c) A milk plant approved by a municipal health authority having jurisdiction in the marketing area for receiving Grade A milk, at which milk is received directly from the farms of producers holding permits or authorizations issued by such health authority and which is operated by a cooperative association having member producers whose milk is received at the approved plants of other handlers.

2. Delete § 905.8 and substitute therefor the following:

§ 905.8 *Unapproved plant.* "Unapproved plant" means any milk plant which is not an approved plant.

3. Delete § 905.10 and substitute therefor the following:

§ 905.10 *Producer.* "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received at an approved plant: *Provided*, That such milk is produced under a dairy farm permit or rating for the production of milk to be disposed of for consumption as Grade A milk issued by a duly constituted health authority, or that such milk is received at a plant described in § 905.7 (b) and is acceptable to the Federal agency supplied by such plant. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted to an unapproved plant by a handler and milk so diverted shall be deemed to have been received at an approved plant by the handler who caused it to be diverted. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal marketing order and who is partially exempted from the provisions of this subpart pursuant to § 905.61.

4. Add the following as § 905.16.

§ 905.16 *Route.* "Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of milk, skim milk, buttermilk, flavored milk drinks or cream other than delivery in bulk form to a milk plant.

5. Delete § 905.51 (a) and substitute therefor the following:

(a) *Class I milk.* The basic formula price plus \$1.70 during the months of April, May and June and plus \$1.90 during all other months: *Provided*, That for each of the months of September, October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June such

## [ 7 CFR Part 905 ]

HANDLING OF MILK IN TULSA-MUSKOGEE,  
OKLA., MARKETING AREANOTICE OF RECOMMENDED DECISION AND  
OPPORTUNITY TO FILE WRITTEN EXCEP-  
TIONS THERETO WITH RESPECT TO PRO-  
POSED MARKETING AGREEMENT AND  
PROPOSED ORDER AMENDING ORDER, AS  
AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 5th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

**Preliminary statement.** The hearing on the record of which the following findings and conclusions were formulated was held at Tulsa, Oklahoma, on March 28 to 30, 1955, pursuant to notices thereof issued on March 21, 1955, and March 23, 1955 (20 F. R. 1783, 1848).

The major issues of the hearing related to:

- (1) The Class I price differential for April, May and June and the supply-demand adjustment of the Class I price;
- (2) The type of pool for distributing proceeds to producers;
- (3) The definitions of plants, producers, etc., which determine the scope of regulation and the milk to be priced and pooled;
- (4) The treatment of milk not priced under the order;
- (5) Handlers subject to more than one order;
- (6) The base-excess plan of the order;
- (7) Location adjustments to handlers and producers; and
- (8) Payments to cooperative associations.

No evidence was offered in support of a proposal to provide an increased price to apply to Class I milk sold in bulk form to out-of-area points.

**Findings and conclusions.** The following findings and conclusions are based on the evidence received at the hearing and the record thereof:

1. **Class I price.** No change should be made in the Class I price differential for the months of April through June. The provisions for adjustment of the Class I price on the basis of supply-demand factors should be amended.

The Class I price of the Tulsa-Muskogee order is determined by adding to a basic formula price \$1.45 for the months

of April, May, and June and \$1.85 for all other months. The price so determined is adjusted whenever the ratio of producer receipts to Class I sales in the two-month period immediately preceding varies by more than two percentage points from a norm for that period stated in the order. The rate of adjustment ranges from 2 to 4 cents for each percentage point of excess variation; fall increases and spring decreases are computed at 4 cents per point; fall decreases and spring increases at 2 cents per point and all other adjustments at 3 cents per point. A maximum limit of 50 cents is provided.

Producers through their cooperative association proposed that the Class I differential for the months of April through June be increased to \$1.65 and that adjustment be made whenever producer receipts in the most recent 12-month period were less than 129 or more than 131 percent of Class I sales for such period, the price to be adjusted at a rate varying seasonally from 2 to 3 cents per percentage point of variation. It was also proposed that the Class I price for each of the months of September through December be no less than that for the preceding month and such price for each of the months of April, May and June be no more than that for the preceding month. A maximum limit of supply-demand adjustment of 23 cents was proposed by both producers and handlers subject to the order.

The present pricing provisions of the order became effective January 1, 1953, for milk priced under what was then the Tulsa order and were continued unchanged when the Tulsa-Muskogee order became effective August 1, 1953, by merger of orders Nos. 6 and 29.

The Class I price differentials of \$1.45 and \$1.85 had been included in the Tulsa order since April 1951, except for a period in late months of 1952 when temporary increases were added to the Tulsa price due to drought conditions, and in the Muskogee order since the effective date of order No. 29 on July 1, 1951.

Marked changes in milk supply and sales relationships have occurred since 1951-52 in the Tulsa market. For the year 1951 producer receipts in the Tulsa market (that portion of the present market for which annual figures are available for 1951) were approximately 117 percent of Class I sales and for the combined Tulsa-Muskogee markets 1952 receipts were approximately 114 percent of sales, a relationship affected somewhat by the drought conditions mentioned earlier. For 1953 and 1954 these percentages were 129 and 131, respectively, despite severe drought conditions in the summer of 1954. While 1954 Class I sales were 13 percent greater than in 1952, producer receipts had increased 30 percent. The annual average number of producers supplying the market increased from 1120 in 1952 to 1341 in 1954. Average daily deliveries per producer increased from 396 pounds of milk in 1952 to 431 pounds in 1953 then declined to 409 pounds in 1954.

Class I prices have declined substantially from the 1952 average annual level of \$6.249. For 1954 the Class I price of the order averaged \$5.027 which was ap-

price shall be not more than that for the preceding month. To this price add or subtract a "supply-demand" adjustment of not more than 50 cents, computed as follows:

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk (excluding interhandler transfers and sales by producer-handlers and handlers partially exempt from this subpart pursuant to § 905.61) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage;

(2) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage";

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage"

Month for which price applies	Months used in computation	Percentages	
		Mini- mum	Maxi- mum
January	November-December	112	116
February	December-January	115	119
March	January-February	119	123
April	February-March	123	127
May	March-April	126	130
June	April-May	133	137
July	May-June	133	137
August	June-July	128	132
September	July-August	124	128
October	August-September	117	121
November	September-October	109	113
December	October-November	110	114

(3) For a "minus net deviation percentage" the Class I price shall be increased and for a "plus net deviation percentage" the Class I price shall be decreased as follows:

(i) One cent for each such percentage point of net deviation; plus

(ii) One cent for each such percentage point of net deviation for which a percentage point of net deviation of like direction was computed pursuant to subparagraph (2) of this paragraph in the computation of the Class I price applicable for the month immediately preceding; plus

(iii) One cent for each such percentage point of net deviation for which percentage points of net deviation of like direction were computed pursuant to subparagraph (2) of this paragraph in the computations of each of the Class I prices applicable for the first and second months immediately preceding.

Filed at Washington, D. C., this 19th day of July 1955.

[SEAL] ROY W LENNARTSON,  
Deputy Administrator

[F. R. Doc. 55-5965; Filed, July 21, 1955;  
8:51 a. m.]

proximately 20 percent less than that of two years earlier; 88 cents of this decline resulted from a lower basic formula price which represents the general decline in the value of manufacturing milk; 13 cents represents the increase in the 1952 average price resulting from the drought price increase effective for four months of that year; and 21 cents is the effect of the present supply-demand adjuster of the order on 1954 prices. From December 1954 through March 1955 handlers paid amounts in excess of order prices sufficient to maintain the Class I price at the November 1954 level of \$5.521. These premium payments amounted to 20.6 cents per hundred-weight of Class I milk for December, 44.1 cents for January, 63.0 cents for February and 68.7 cents for March.

The proposed increase of 20 cents in the fixed Class I differential for the months of April through June was advocated on the basis of alignment of prices with the Oklahoma City market. While this change would provide closer alignment of prices with the Oklahoma City market, it would provide increased differences between the Tulsa-Muskogee price and those of the Neosho Valley, Ozarks and Fort Smith markets. There is a substantial area of competition for both production and sales between Tulsa-Muskogee and these other markets. While a Tulsa handler makes substantial sales in the Oklahoma City marketing area, the provisions of the order for that area prevent the present difference in price from being a factor of competition. Competition with handlers from the other regulated markets takes place to a considerable extent in territory not included in the marketing area of any order whereby such increases in price differences would be a factor of competition. The supply situation of the Tulsa Muskogee market does not at this time justify an increase in the fixed price differential of the order.

For 1953 the Class I price was adjusted downward because of supply-demand conditions during five months in amounts ranging from 2 to 28 cents, with no adjustment applicable in the other seven months. In 1954, however, the maximum (50 cent) downward adjustment applied for each month from January through July, there was no adjustment of the August price, and the 50 cent maximum increase applied for September and October; for November there was a 12 cent increase and for December there was a 14 cent decrease. Decreases of 36 cents for January and 48 cents for both February and March of this year were computed.

Producers contend, without contradiction on the record, that at least one major handler on the Tulsa market has added new production beyond any prospective needs for the sole purpose of causing the supply-demand adjuster to decrease the cost of Class I milk without any corresponding reduction in prices to consumers. They point to the rapidity of price changes in 1954 as being such that there could be no corresponding response in production. It is made clear on the record that the producers' proposal is designed to nullify the principal

effects of the supply-demand adjuster that have occurred in the past two years.

The proposed use of a 12-month average relationship of supply and sales reflects conditions for a period which could easily be significantly different from those for which the Class I price is being computed. Rapid changes in conditions are characteristic of the Tulsa-Muskogee area. It is important that timely adjustments be provided that are appropriate to the prospective conditions in the period to be priced. A 12-month average relationship does not provide a basis for such adjustments in the Tulsa-Muskogee market, and its use should not be adopted.

The seasonal pattern of utilization in the Tulsa-Muskogee market in the past two years has varied significantly from that of earlier years under the order. While a considerable portion of this change is due to such factors as the season of the year at which new producers were added to the market, the steady trend of increased production per farm and abnormal weather conditions, there also appears to have been a significant change in the seasonality of production which is not associated with any of these factors. There has been a substantial increase in the percentage of the total annual production per farm in the period from November through April, and a corresponding decrease in the percentage of annual production in the period of June through September. Production in May and October, now the high and low months, respectively, has increased at about the same rate as total annual production per farm.

The norms incorporated in the supply-demand adjuster should reflect these changes in seasonality of production. In addition a slightly higher level of supply is established by the seasonally adjusted norms provided herein. This adjustment is in recognition of the fact that the present norms were established at a time when Tulsa-Muskogee was a deficit market during certain months of the year, and as a consequence present norms may provide for price decreases when supplies are considerably short of the volume necessary for adequate day-to-day reserves. In view of the substantial gain in supplies as related to sales that has occurred under present pricing provisions the change in the normal supply level must be of a minimum nature. That provided approximates the change under similar circumstances made in the order for the nearby Oklahoma City market by amendment effective March 1954.

The proposals to prevent the contra-seasonal movement of prices resulting from supply-demand adjustment should not be adopted. Such provisions would delay for considerable periods of time price changes whenever supplies became more plentiful in relation to demand in fall months or less plentiful in spring months. It was contended that price declines in fall months tended to reduce the effectiveness of the base plan of the order. The base plan is designed to affect the seasonality of production. Price declines from supply-demand adjustment in the base-making period

could arise only from an increased level of production or decreased Class I sales. Such a situation indicates the probability that more base is being established than will be needed. Accordingly, it is appropriate that the Class I price reflect this situation in the base-making period.

In lieu of the proposals to reduce the limit in the total amount of adjustment from 50 to 23 cents, provision should be made for the rate of adjustment for variation from the standards adopted to be rather nominal when such variations first appear, but to be increased progressively as a variation of like direction and amount persists through two or three consecutive two-month periods. Such a provision will serve to dampen the rapidity of price changes and will avoid substantial price increases or decreases based on non-recurring deviations from the established norms. Substantial price adjustment will, however, occur when undersupply or oversupply representing significant deviations from the established norms persists for a reasonable period of time.

This is accomplished by providing that for each percentage point of net deviation the price shall be adjusted one cent, plus one cent for each such percentage point for which there was a net deviation of like extent and character in the first two-month period next preceding, plus one additional cent for each such percentage point for which there was a net deviation of like extent and character in each of the first and second two-month periods next preceding. For convenience minimum and maximum normal percentages are stated, separated by the same area of no adjustment as presently provided. There is no seasonal change in the rate of adjustment, since the variation now depends upon the persistency of the deviation.

For the 27 months for which the present provision has been effective the provisions herein adopted would have provided an average minus adjustment of 11.3 cents compared with the 14.2 cent adjustment that occurred. The 23 cent limitation of the present norms and rates proposed by handlers would have resulted in an average decrease of 9.9 cents for this period. The range of adjustment in 1954 would have been reduced from \$1.00 (-0.50 to +0.50) to 62 cents (-0.46 to +0.16). It is concluded that the provision will provide appropriate Class I prices for the Tulsa-Muskogee area under presently prospective conditions in that market.

2. *Type of pool.* As an alternative to proposals to establish pool plant qualifications certain handlers proposed that distribution of returns to producers be changed from a market-wide equalization pool to handler pooling.

Handler pooling does not now appear practicable in the Tulsa-Muskogee market. Some handlers with manufacturing facilities are carrying milk supplies which are made available to other handlers in periods of short supply. In addition the cooperative association has been required to dispose of surplus milk in considerable volume by diversion of member milk to manufacturing plants, both direct from the farm and through its receiving plant. The tenor of the

hearing makes it evident that the principal intent of the proposal was to increase the returns of nonmember producers at the expense of producers who are members of the cooperative association. Under present circumstances in the Tulsa-Muskogee market handler pooling would result in inequitable sharing of the burden of surplus milk among producers and should not be adopted.

**3. Plant and producer requirements.** The producer's cooperative association proposed to amend the definition of "approved plant" so that it would make specific provision for a receiving plant it now operates which is located in the marketing area. Handlers proposed that specific performance requirements be established for route operating plants and supply plants and that numerous conforming changes be made in the order. Several possible modifications of the supply plant requirements proposed were advanced at the hearing.

The order presently defines as "approved plants" all plants approved by health authorities having jurisdiction in the marketing area (a) from which any Class I milk is disposed of on routes in the marketing area or (b) which receive producer milk and normally transfer it to a plant with route operations in the area. Receipts of milk at such plants are priced and pooled, if received from farmers whose permits are issued by health authorities having jurisdiction in the marketing area.

The record makes it clear that handler proposals for pool plant performance requirements are offered almost entirely for their effect on the operations of the cooperative plant recently established. With the exception of minor distribution from plants regulated under other Federal orders, the cooperative plant is the only addition to the list of regulated plants since the beginning of the order program. It presently is equipped for the receiving, cooling and storage of milk to be transported elsewhere but not for processing of milk. In operation since October 1954, milk received at this plant has been moved to other regulated plants for Class I and Class II use, to outside markets for Class I use and to manufacturing plants for Class II use. The plant receiving facilities were used for milk withdrawn from certain handlers during the course of negotiations for premiums and payroll handling late in 1954. The handler with the largest distribution in the market testified that the principal purpose sought by handler proposals was to prevent milk so withdrawn from sharing in the pool in the event of recurrence of such an incident.

With respect to route operating plants it was proposed that those to qualify for inclusion of their receipts in the pool should have 50 percent or more of such receipts disposed of as Class I milk in total (40 percent in certain spring months) and 25 percent (20 percent for the same spring months) as Class I milk on routes in the marketing area. Such requirements have been found appropriate in other markets. There does not, however, appear to be any present need to establish such requirements for the Tulsa-Muskogee market. No new

route operating plants not already regulated under another order have entered the market in the five years for which an order without such requirements has been in effect. The sole present applicability of such proposals would appear to be to prevent the cooperative plant from pooling its receipts through token route operation.

Various requirements for non-route operating or supply plants were suggested, the final recommendation being that such plants be restricted to (a) those under common ownership with a route operating plant whose disposition was such as to qualify the receipts of all plants in the commonly owned group, and (b) a plant operated by a cooperative association which had 75 percent or more of its members' milk received at pool plants of other handlers either directly from farms or from such plant.

It is concluded that no percentage performance requirements should be established for route-operating plants on the basis of this record but that the language of the order should be clarified so that there will be no doubt that the receipts from inspected farms of any plant distributing Grade A milk on routes in the area will be priced and pooled (except as regulated under another order) regardless of the particular health authority which may issue producer permits.

With respect to other plants, any plant at which milk from producers whose permits are issued by the health authority of a municipality of the marketing area, and from which any milk is transferred to an approved route operating plant should also have its receipts priced and pooled; receipts of such a plant may also be included in the pool without any shipments within the month if more than half of such receipts were so transferred in the immediately preceding months of September through December, unless the operator has requested that the plant be withdrawn from the pool. Such provisions will remove the ambiguity involved in the term "normally" used in the present definition. Since the receipts of such plants can be pooled on the basis of minimum shipments, it is considered necessary that producer-permit identification with the marketing area be used to distinguish such plants from those from which occasional shipments of other source milk are received in periods of short supply. Provision for pooling the sources of such supplemental milk are not required since the Tulsa-Muskogee order requires no compensatory payment with respect to its use.

Provision should also be made to include the receipts of a plant with health authority approval such as required for supply plants, if such plant is operated by a cooperative association having member producers whose milk is received at the approved plants of other handlers. This type of operation is characteristic of a bargaining cooperative association. A plant operated by such a cooperative association may function to a considerably greater extent as a surplus removal plant than as a supply plant. The provision presently con-

tained in the order, whereby the association may pool milk diverted for its account from approved to unapproved plants, would probably result in pooling most of the receipts of such plant even if it were not defined as an approved plant. Definition as an approved plant will, however, provide for more clear-cut administration. Quantitative performance requirements for the cooperative plant or for the cooperative association should not be established until such time as either operation of the cooperative plant has shown need for them or conditions in the market show need for specific performance requirements for all plants.

Two minor proposals were closely associated with the subject of an association-operated plant. One would have denied to any cooperative association operating an approved plant the information presently provided concerning volume and classification of member milk received by each handler. The other would have defined diversion so as to deny to an association operating an approved plant the right to include milk in the pool by diversion to a nonpool plant. The evidence fails to support the need for such proposals beyond indicating that information concerning volume and classification should be restricted to deliveries direct from member-producers. The association already will have this information with respect to any deliveries from its plant to the plants of other handlers.

**4. Milk not subject to full regulation.** A number of proposals dealt with milk not subject to full regulation. These may be divided as follows:

(a) Provisions applicable to operators of plants with route disposition in the area that might fail to meet the proposed pool requirements. The decision to continue in the pool all plants with route operations in the area makes consideration of such provisions unnecessary.

(b) The treatment of other source milk in the plants of regulated handlers. With respect to such milk, producers proposed compensatory payment provisions and handlers proposed allocation pro rata with producer milk under certain specified conditions. The evidence with respect to each of these proposals indicates that the principal interest in such provisions at this time relates to the effect that they might have in altering the relative positions of the producer cooperative and the principal handler of the market in bargaining with respect to items beyond the scope of the order. Similar provisions have been considered at previous hearings in this market and have not been adopted because the need for them was not demonstrated. This record indicates that the only other source milk allocated to Class I since the merged order has been effective (August 1, 1953) was in November 1954, the month in which association milk was withdrawn from certain handlers for a short period of time. It is concluded that no action should be taken on this record with respect to these proposals.

**5. Handlers subject to two or more orders.** The Tulsa-Muskogee order presently requires a handler subject to



another order who disposes of Class I milk in the marketing area to pay into the pool any amount by which the value of such milk at the Tulsa-Muskogee price exceeds that determined under the other order. Handlers proposed to delete the requirement for such payment and to substitute therefor a definition of "value" which might serve to alter the obligations of Tulsa-Muskogee handlers under similar provisions of other orders without changing their obligations under the Tulsa-Muskogee order. Changes to be made in obligations arising under other orders should be accomplished by amendment of the order imposing such obligation, or by a substantive change of the Tulsa-Muskogee prices recognized in the other order.

No substantial evidence was advanced by the proponents in support of deleting the present provisions requiring payment. Consistency with their position in resisting similar obligations under other orders evidently prompted this proposal. No handler subject to the provision appeared at the hearing. The record indicates, moreover, that the location adjustments of the Tulsa-Muskogee order provide a basis whereby payments are required of handlers subject to other orders only when the difference in Class I prices may exceed normal costs of movement of milk between markets. Lack of such adjustments in other orders was pointed out as a reason Tulsa-Muskogee handlers felt themselves disadvantaged by similar provisions of other orders. It is concluded that no change in this payment provision should be made on the basis of this record.

It was also proposed that provision be made for the receipt and distribution to producers of payments recoverable from another order. The Neosho Valley order provides that funds collected under a somewhat similar provision from handlers subject to other orders shall be transferred to the market administrator of the order to which the handler is subject if such order provides for receipt of such funds and their distribution to producers. One Tulsa handler makes some distribution in the Neosho Valley area. The Neosho Valley Class I pricing provisions are now such that there is little, if any, likelihood that any payments will be due under that order from a Tulsa handler. There appears to be no good purpose which would presently be served by the proposal and it should not be adopted.

**6. Base-excess payments.** The base-excess payment plan of the order should be revised to (a) delete January from the base-forming months, and (b) provide for payments on bases for the months of February through July instead of April, May and June only.

The base plan of the Tulsa-Muskogee order presently provides that producers form bases by their average deliveries in the five months of September through January and are paid on such bases in the following months of April through June. January was added to the list of base-forming months late in 1952 when it was feared that a late season drought had created a situation wherein milk supplies would be quite short early in

1953. As indicated elsewhere in this decision the low point of supply in the market has changed to an earlier date in the fall so that January deliveries are less representative of those in the short supply season. It was proposed that a producer's daily average base be computed by dividing his September through December deliveries by 112, the total number of days in these months. It is concluded that the provision whereby a new producer may establish a base fully equal to his average deliveries of 90 days or more should be retained with certain safeguards to avoid abuse of the provision by old producers. With the deletion of January, a producer will then have to enter the market by approximately October 1 to make a base equal to his average deliveries.

Lengthening the base-payment period from three to six months will increase the effectiveness of the plan in leveling seasonality of production. As indicated elsewhere in this decision February and March are months in which daily production per farm is increasing in proportion to the annual average. Prior to 1953 average deliveries per farm in these months were little if any greater than the September-December average of the preceding year, but presently they are substantially greater. The cooperative association has adopted the policy of disbursing proceeds to its members according to their base as established under the order for a seven-month period. Payments on this basis under the order do not appear justified for August, indeed, were not supported at the hearing. Such payments in July are consistent with those provided in other nearby markets and appear appropriate for the Tulsa-Muskogee market.

**7. Location adjustments.** The order presently provides location adjustment credits to handlers with respect to milk received at approved plants located outside the marketing area and thirty-five miles or more from either Tulsa or Muskogee which is moved to an approved plant in the marketing area, or is classified as Class I milk without such movement. Producers proposed that such credits be allowed on milk moved to other plants only if such milk were Class I milk. There is presently only one plant at which location adjustments apply. This is a receiving plant operated by a handler who also has a plant in Tulsa. The only Class II processing operation performed by this handler is production of cottage cheese at the receiving plant. The returns obtained for Class II milk disposed of to manufacturing plants are not increased when such plants are in the marketing area as compared with such plants in the milkshed. The adjustment credit should be restricted to that volume for which movement to the marketing area is definitely associated with Class I use. The order presently provides no means for assignment of Class I disposition between plants of a single handler, and provides that handlers may agree on the classification of milk moved between plants of two handlers. Handlers should not, however, be in position to determine the application of location adjustment credits by agree-

ment. It is recognized that as a practical consideration movements of milk associated with Class I use require some slight leeway in relation to actual Class I disposition. A provision which will limit the volume of transferred milk eligible for location adjustment credit to Class I disposition of the second plant in excess of 95 percent of its receipts from producers, and assigns such credit to nearest plants first if there are receipts from more than one plant, is appropriate for the Tulsa-Muskogee market.

The maximum credit presently provided is 23 cents per hundredweight of milk, applicable at all distances over 95 miles from the nearer of Tulsa or Muskogee. Handlers proposed that the schedule be extended at the rate of 2 cents per each 15 mile zone. Contemplated plans for an additional receiving plant in an area from which receipts of direct shipped milk have increased were advanced as the basis for the request, to which there was no opposition. The addition of two additional zones will provide for the contemplated receiving plant. The record indicates, however, that at least one plant subject to the payment provisions discussed in issue number 5 is located at a greater distance than 140 miles. In order that the rates may reflect probable economies on longer hauls, provision is included for extending the location adjustments at the two-cent rate per zone for two additional zones, and at one cent per zone thereafter.

No testimony was offered in support of a proposal to change the method of computing location adjustments to producers, other than to conform to the change provided in the handler adjustment credit.

**8. Payments to cooperative associations.** Handlers proposed in the notice of hearing to delete from the order the requirement that payment be made under specified conditions to a cooperative association for milk received from its member producers. While the proponents did not submit any testimony specifically directed to this proposal, the record shows clearly that they did not abandon their position. This record contains substantial evidence of recent marketing developments in the Tulsa-Muskogee market which have a direct bearing on this question and the proposal is entitled to consideration.

Since the present provisions for payment to a cooperative association became effective May 1, 1954, the sole cooperative association operating in the market (Pure Milk Producers Association of Eastern Oklahoma) has erected and is operating a plant costing approximately \$300,000 at which substantial volumes of producer milk are received daily. The association has collected from handlers the gross value of its members' deliveries since November 1954 without irregularity or other inconvenience to the handlers, and now has in effect a base rating plan for its members for months in addition to those provided for all producers under the order.

The entire scope of the operations of such an association in the marketing

of milk and in the providing of various services to its members, should be considered a single integrated business enterprise acting on behalf of all its members. Producer milk is moved from place to place, to achieve the highest available return, which also may improve the average returns of non-members as well as members through the pool. During a single month a single producer's milk may, and sometimes does, go to several outlets. All members have a common interest and responsibility in the maintenance of all such functions. Their monthly returns, increase in equities, and expectation of patronage dividends are without regard to the returns obtained from the sale of a single producer's milk.

To deny recognition to the right of this or any other association performing similar marketing and service functions, to collect the proceeds from the sale of all milk of its members, irrespective of whether it is received physically in its own plant or to withhold sanction for the making of payment in the manner requested by such member producers can only frustrate and weaken the efforts of producers to market their own milk. Such is not the object or intent of milk orders. We find no basis in this record for the deletion of section 906.80.

**General findings.** (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

**Rulings on proposed findings and conclusions.** Briefs were filed on behalf of the Pure Milk Producers Association of Eastern Oklahoma and handlers subject to the proposed marketing agreement and order, as hereby proposed to be further amended. The briefs contained proposed findings, conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings

and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

**Recommended marketing agreement and amendment to the order.** The following order, amending the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Delete § 906.7 and substitute therefor the following:

§ 906.7 *Approved plant.* "Approved plant" means:

(a) A milk plant approved by any health authority having jurisdiction in the marketing area from which Class I milk is disposed of on routes in the marketing area,

(b) A milk plant approved by the appropriate health authority of a municipality of the marketing area at which there is received, weighed and commingled the milk of producers holding permits or authorizations issued by such health authority and from which part or all of the receipts of such milk during the month is transferred to a plant described in paragraph (a) of this section, or from which more than half of the receipts of such milk was so transferred in the immediately preceding months of September through December, and the operator thereof has not requested that such plant be considered an unapproved plant; or

(c) A milk plant approved by a municipal health authority having jurisdiction in the marketing area for receiving Grade A milk, at which milk is received directly from the farms of producers holding permits or authorization issued by such health authority, and which is operated by a cooperative association having member producers whose milk is received at the approved plants of other handlers.

2. Delete § 906.8 and substitute therefor the following:

§ 906.8 *Unapproved plant.* "Unapproved plant" means any milk plant which is not an approved plant.

3. Delete § 906.10 and substitute therefor the following:

§ 906.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk under a dairy farm permit, permit authorization or rating for the production of milk to be disposed of as Grade A milk issued by a duly constituted health authority, which is received at an approved plant. "Producer" shall include any such person whose milk is caused by a handler to be diverted for the account of such

handler from an approved plant to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include any person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal order and who is partially exempt from the provisions of this subpart pursuant to § 906.61.

4. Add the following as § 906.16:

§ 906.16 *Route.* "Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of milk, skim milk, buttermilk, flavored milk, flavored milk drinks or cream other than delivery in bulk form to a milk plant.

5. In §§ 906.14, 906.15, 906.30 (a), 906.31 (a) 906.65, 906.66 (b) and 906.73 delete "April through June" and substitute therefor "February through July"

6. In § 906.65 (a) delete "January" and substitute therefor "December"

7. In § 906.72 delete "July through March" and substitute therefor "August through January"

8. Delete § 906.51 (a) and substitute therefor the following:

(a) *Class I milk.* The basic formula price plus \$1.45 during the months of April, May and June and plus \$1.85 during the other months: *Provided*, That for each of the months of September, October, November and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June such price shall be not more than that for the preceding month. To this price add or subtract a "supply-demand adjustment" of not more than 50 cents, computed as follows:

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk (excluding interhandler transfers, and sales by producer-handlers and handlers partially exempt from this subpart pursuant to § 906.61) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage;

(2) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage";

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage"



Months for which price applies	Months used in computations	Standard utilization percentages	
		Minimum	Maximum
January.....	November-December.....	114	118
February.....	December-January.....	116	120
March.....	January-February.....	117	121
April.....	February-March.....	119	123
May.....	March-April.....	126	130
June.....	April-May.....	136	140
July.....	May-June.....	137	141
August.....	June-July.....	133	137
September.....	July-August.....	128	132
October.....	August-September.....	121	125
November.....	September-October.....	110	114
December.....	October-November.....	111	115

(3) For a "minus net deviation percentage" the Class I price shall be increased and for a "plus net deviation percentage" the Class I price shall be decreased as follows:

(i) One cent for each such percentage point of net deviation; plus

(ii) One cent for each such percentage point of net deviation for which a percentage point of net deviation of like direction was computed pursuant to subparagraph (2) of this paragraph in the computation of the Class I price applicable for the month immediately preceding; plus

(iii) One cent for each such percentage point of net deviation for which percentage points of net deviation of like direction were computed pursuant to subparagraph (2) of this paragraph in the computations of each of the Class I prices applicable for the first and second months immediately preceding.

9. Delete § 906.53 and substitute therefor the following:

§ 906.53 *Location adjustment credit to handlers.* For that portion of milk which is (a) received directly from producers at an approved plant located outside the marketing area and 35 or more miles from the nearer of City Hall in Tulsa or the City Hall in Muskogee by shortest hard-surfaced highway distance, as determined by the market administrator, and (b) is either (1) transferred in the form of milk, skim milk or cream to an approved plant located in the marketing area and assigned to Class I pursuant to the proviso of this section, or (2) is classified as Class I milk without such movement, the prices specified in § 906.51 shall be subject to a location adjustment credit to the handler, computed as follows:

Distance from nearer of the city hall in Tulsa or the city hall in Muskogee:	Cents per hundred-weight
35 to 50 miles.....	15
50.1 to 65 miles.....	17
65.1 to 80 miles.....	19
80.1 to 95 miles.....	21
95.1 to 110 miles.....	23
110.1 to 125 miles.....	25
125.1 to 140 miles.....	27

Plus 1 cent for each additional 15 miles or major fraction thereof in excess of 140 miles.

*Provided,* That for the purposes of calculating such adjustment transfers between approved plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds 95 percent of the receipts from producers at such

plant, such assignment to transferor plants to be made first to plants at which no adjustment credit is applicable and then in the sequence at which the lowest location adjustment credit would apply.

10. Delete § 906.81 and substitute therefor the following:

§ 906.81 *Location adjustment to producers.* In making payments to producers pursuant to § 906.80, each handler may deduct per hundredweight of milk received from producers at an approved plant, or diverted to an unapproved plant, either of which is located outside the marketing area and 35 or more miles from the nearer of the city hall in Tulsa or the city hall in Muskogee by shortest hard-surfaced highway distance, as determined by the market administrator, the applicable amounts set forth below:

Distance from nearer of the city hall in Tulsa or the city hall in Muskogee:	Cents per hundred-weight
35 to 50 miles.....	15
50.1 to 65 miles.....	17
65.1 to 80 miles.....	19
80.1 to 95 miles.....	21
95.1 to 110 miles.....	23
110.1 to 125 miles.....	25
125.1 miles to 140 miles.....	27

Plus one cent for each additional 15 miles or major fraction thereof in excess of 140 miles.

11. Delete § 906.22 (i) and substitute therefor the following:

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such cooperative association from producers who are members of such cooperative to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class.

Filed at Washington, D. C., this 10th day of July 1955.

[SEAL] Roy W. Lennartson,  
Deputy Administrator

[F. R. Doc. 55-5964; Filed, July 21, 1955; 8:51 a. m.]

## 17 CFR Part 927.1

### MILK IN NEW YORK METROPOLITAN MARKETING AREA

#### NOTICE OF INTENTION TO DETERMINE AND PUBLICLY ANNOUNCE FREIGHT ZONES

Notice is hereby given of the intention of the Market Administrator to determine and publicly announce freight zones for pool plants pursuant to § 927.42 of the order, as amended (7 CFR Part 927) regulating the handling of milk in the New York metropolitan milk marketing area. Such freight zones shall replace those presently in effect. Interested parties may submit written data, views and arguments with respect to the proposed freight zones. Such written

data, views and arguments should be filed with the Market Administrator, 205 East 42d Street, New York 17, New York on or before August 8, 1955.

The order was amended January 1, 1952 (16 F. R. 12851) to provide for the determination and public announcement of freight zones. Immediate determination was withheld pending the outcome of a hearing on a proposed New York-New Jersey order which began June 2, 1952. No such determination has yet been made.

On March 10, 1953, another hearing was conducted with respect to transportation differentials under the order, and determination and public announcement was again withheld pending the outcome of this hearing. Proposed freight zones were submitted as Exhibit No. 26 of such hearing. The freight zones set forth below are the same as those in that exhibit.

In the Secretary's decision dated December 14, 1953 (18 F. R. 8444), findings and conclusions were deferred with respect to transportation and location differentials, and no further decision has been made.

In April 1955 Mutual Federation of Independent Cooperatives, Inc., requested that freight zones be determined and publicly announced to effectuate the amendment to the order dated January 1, 1952.

The proposed freight zones are as follows:

Accord, N. Y.....	91-100
Adams, N. Y.....	301-310
Adams Center, N. Y.....	311-320
Addison, N. Y.....	251-260
Afton, N. Y.....	161-170
Akeley, Pa.....	381-390
Allamuchy, N. J.....	51-60
Amsterdam, N. Y.....	171-175
Andes, N. Y.....	151-160
Andover, N. Y.....	231-300
Antwerp, N. Y.....	301-310
Apulla, N. Y.....	231-240
Arcade, N. Y.....	341-350
Arlisport, N. Y.....	291-300
Auburn, N. Y.....	241-250
Bainbridge, N. Y.....	171-175
Bath, N. Y.....	261-270
Beacon, N. Y.....	51-60
Bear Lake, Pa.....	401-410
Beaver Springs, Pa.....	201-210
Belle Mead, N. J.....	41-50
Bellefonte, Pa.....	241-250
Belmont, N. Y.....	301-310
Belvidere, N. J.....	71-75
Binghamton, N. Y.....	161-170
Bingley, N. Y.....	231-240
Black River, N. Y.....	301-310
Blairtown, N. J.....	61-70
Bloomington Grove, N. Y.....	51-60
Bloomville, N. Y.....	161-170
Bloomsdale, N. Y.....	251-260
Bolling Springs, Pa.....	181-190
Bombay, N. Y.....	361-370
Boonville, N. Y.....	251-260
Bouckville, N. Y.....	221-225
Bovina Center, N. Y.....	151-160
Bridgewater, N. Y.....	211-220
Brier Hill, N. Y.....	341-350
Broadway, N. J.....	61-70
Bullville, N. Y.....	71-75
Burke, N. Y.....	351-360
Burnside, N. Y.....	61-70
Buckirk, N. Y.....	161-170
Callion, N. J.....	51-60
Callicoon, N. Y.....	111-120
Camden, N. Y.....	261-270
Campbell, N. Y.....	251-260
Canajoharie, N. Y.....	181-190
Canastota, N. Y.....	241-250

Candor, N. Y.	201-210	Halcott Center, N. Y.	131-140	New Woodstock, N. Y.	221-235
Canisteo, N. Y.	281-290	Halcottville, N. Y.	131-140	Nichols, N. Y.	191-200
Cannonsville, N. Y.	141-150	Hamburg, N. J.	51-60	Nicholson, Pa.	141-150
Canoe Camp, Pa.	231-240	Hamden, N. Y.	161-170	Norfolk, N. Y.	351-360
Canton, N. Y.	341-350	Hammond, N. Y.	326-330	North Bangor, N. Y.	351-360
Canton, Pa.	211-220	Hannibal, N. Y.	271-275	North Chatham, N. Y.	131-140
Cape Vincent, N. Y.	326-330	Hartwick, N. Y.	191-200	North Harford, N. Y.	211-220
Castorland, N. Y.	281-290	Herkimer, N. Y.	211-220	North Lawrence, N. Y.	351-360
Cato, N. Y.	261-270	Heuvelton, N. Y.	341-350	North Orwell, Pa.	201-210
Cazenovia, N. Y.	231-240	Hillsdale, N. Y.	111-120	North Winfield, N. Y.	211-220
Centerville, Pa.	401-410	Hobart, N. Y.	151-160	Nunda, N. Y.	311-320
Central Bridge, N. Y.	161-170	Holland Patent, N. Y.	231-240	Ogdensburg, N. Y.	341-350
Central Square, N. Y.	261-270	Homer, N. Y.	211-220	Oliver Crossing, N. Y.	261-270
Champlain, N. Y.	331-340	Honesdale, Pa.	101-110	Onativia, N. Y.	231-240
Chateaugay, N. Y.	351-360	Horseheads, N. Y.	231-240	Oneida, N. Y.	231-240
Chatham, N. Y.	126-130	Houghton, N. Y.	321-325	Oneonta, N. Y.	176-180
Chaumont, N. Y.	311-320	Irona, N. Y.	331-340	Oriskany Falls, N. Y.	226-230
Cherry Valley, N. Y.	181-190	Ithaca, N. Y.	221-225	Osceola, Pa.	261-270
Churubusco, N. Y.	351-360	Jeffersonville, N. Y.	111-120	Otego, N. Y.	181-190
Cincinnati, N. Y.	201-210	Johnsonburg, N. J.	61-70	Otisville, N. Y.	71-75
Circleville, N. Y.	71-75	Kortright, N. Y.	161-170	Oxford, N. Y.	181-190
Cleona, Pa.	151-160	Kyserike, N. Y.	101-110	Oxford Depot, N. Y.	51-60
Clifford, Pa.	131-140	Laceyville, Pa.	171-175	Pawling, N. Y.	61-70
Clinton, N. Y.	231-240	Lacona, N. Y.	291-300	Penn Yan, N. Y.	261-270
Clyde, N. Y.	281-290	La Fargeville, N. Y.	311-320	Perry, N. Y.	326-330
Cobleskill, N. Y.	161-170	Lakeville, N. Y.	311-320	Peru, N. Y.	301-310
Cochecton, N. Y.	101-110	Lakewood, Pa.	131-140	Peruton, N. Y.	221-225
Columbia Cross Roads, Pa.	211-220	Lancaster, Pa.	141-150	Philadelphia, N. Y.	311-320
Conklin, N. Y.	161-170	Lebanon, N. Y.	211-220	Pierrepont, Manor, N. Y.	301-310
Cooperstown, N. Y.	201-210	Leon, N. Y.	381-390	Pine Bush, N. Y.	76-80
Copenhagen, N. Y.	281-290	Leonardsville, N. Y.	211-220	Pine Plains, N. Y.	101-110
Copventry, N. Y.	176-180	Le Raysville, Pa.	181-190	Plattsburg, N. Y.	301-310
Croghan, N. Y.	281-290	Lewisburg, Pa.	181-190	Pleasant Mount, Pa.	121-125
Crown Point, N. Y.	241-250	Lexington, N. Y.	126-130	Poland, N. Y.	221-225
Cuba, N. Y.	321-325	Liberty, N. Y.	101-110	Port Allegany, Pa.	311-320
Davenport Center, N. Y.	171-175	Liberty, Pa.	231-240	Portlandville, N. Y.	181-190
Deansboro, N. Y.	226-230	Limerick, N. Y.	311-320	Port Murray, N. J.	61-70
Deer River, N. Y.	281-290	Lincoln, Pa.	141-150	Port Royal, Pa.	211-220
DeKalb Junction, N. Y.	331-340	Lisbon, N. Y.	351-360	Potsdam, N. Y.	341-350
Delaware, N. J.	71-75	Lisle, N. Y.	191-200	Poughkeepsie, N. Y.	71-75
Delhi, N. Y.	161-170	Little Falls, N. Y.	201-210	Prattsburg, N. Y.	281-290
Deposit, N. Y.	141-150	Little Valley, N. Y.	351-360	Prattsville, N. Y.	131-140
Dolgeville, N. Y.	201-210	Locke, N. Y.	226-230	Preble, N. Y.	221-225
Douglas Crossing, N. Y.	311-320	Lowville, N. Y.	271-275	Prices Switch, N. J.	51-60
Dryden, N. Y.	211-220	Lycoming, N. Y.	291-300	Pulaski, N. Y.	281-290
Dushore, Pa.	181-190	Lyons Falls, N. Y.	261-270	Randolph, N. Y.	361-370
East Freetown, N. Y.	201-210	MacDougall, N. Y.	251-260	Remsen, N. Y.	231-240
Eaton, N. Y.	221-225	Madrid, N. Y.	351-360	Richfield Springs, N. Y.	201-210
Edmeston, N. Y.	201-210	Mallory, N. Y.	261-270	Richmondville, N. Y.	171-175
Edwards, N. Y.	321-325	Malone, N. Y.	341-350	Rock Royal, N. Y.	151-160
Elizabethville, Pa.	171-175	Manchester Depot, Vt.	201-210	Rock Springs, Pa.	251-260
Elkland, Pa.	251-260	Manorkill, N. Y.	141-150	Roscoe, N. Y.	121-125
Ellenburg, N. Y.	341-350	Mansfield, Pa.	231-240	Roseville, Pa.	226-230
Ellenburg Center, N. Y.	351-360	Marathon, N. Y.	191-200	Roxbury, N. Y.	141-150
Ellicottville, N. Y.	351-360	Margaretville, N. Y.	131-140	Rushville, Pa.	171-175
Elliottsburg, Pa.	201-210	Marshall, N. Y.	226-230	Salisbury, Vt.	261-270
Elton, N. Y.	341-350	Martville, N. Y.	271-275	Schenevus, N. Y.	176-180
Essex, N. Y.	276-280	Massena Springs, N. Y.	361-370	Seward, N. Y.	176-180
Evans Mills, N. Y.	311-320	Maybury Mills, N. Y.	211-220	Sharon Springs, N. Y.	181-190
Fairdale, Pa.	161-170	Mayville, N. Y.	401-410	Sheds Corners, N. Y.	221-225
Fair Haven, Vt.	221-225	Mexico, N. Y.	276-280	Sherburne, N. Y.	201-210
Fillmore, N. Y.	326-330	Meyerstown, Pa.	141-150	Skanateles Junction, N. Y.	241-250
Flemington, N. J.	51-60	Middleburg, N. Y.	151-160	Slate Hill, N. Y.	71-75
Fly Creek, N. Y.	201-210	Middleburg, Pa.	191-200	Smithboro, N. Y.	201-210
Fort Ann, N. Y.	201-210	Middlebury, Vt.	251-260	Smiths Basin, N. Y.	201-210
Fort Covington, N. Y.	361-370	Middlebury Center, Pa.	251-260	Smyrna, N. Y.	201-210
Fort Edward, N. Y.	191-200	Middletown, N. Y.	61-70	Soilsville, N. Y.	226-230
Fort Hunter, N. Y.	176-180	Middletown Springs, Vt.	226-230	South Columbia, N. Y.	201-210
Fort Plain, N. Y.	191-200	Middleville, N. Y.	211-220	South Dayton, N. Y.	376-380
Foster, Pa.	141-150	Mifflinburg, Pa.	191-200	South Kortright, N. Y.	161-170
Frankfort, N. Y.	211-220	Mifflintown, Pa.	211-220	South Montrose, Pa.	161-170
Franklin, N. Y.	176-180	Milford, N. Y.	191-200	South New Berlin, N. Y.	181-190
Franklindale, Pa.	201-210	Millerstown, Pa.	201-210	South Waverly, Pa.	211-220
Franklinville, N. Y.	341-350	Mill Hall, Pa.	231-240	Spring Mills, Pa.	226-230
Fraser, N. Y.	161-170	Millport, Pa.	301-310	Springville, Pa.	161-170
Frenchtown, N. J.	61-70	Milton, Pa.	181-190	Starrucca, Pa.	141-150
Frewsburg, N. Y.	381-390	Montgomery, N. Y.	61-70	Steamburg, N. Y.	361-370
Fultonville, N. Y.	181-190	Montrose, Pa.	151-160	Stillwater, N. Y.	181-190
Galeton, Pa.	271-275	Moravia, N. Y.	231-240	Sugar Grove, Pa.	381-390
Georgetown, N. Y.	211-220	Mount Joy, Pa.	151-160	Sussex, N. J.	51-60
Glenfield, N. Y.	261-270	Mount Upton, N. Y.	176-180	Syracuse, N. Y.	241-250
Gorham, N. Y.	276-280	Munnsville, N. Y.	226-230	Theresa, N. Y.	311-320
Gouverneur, N. Y.	311-320	Newark Valley, N. Y.	191-200	Thompson, Pa.	131-140
Gracie, N. Y.	211-220	New Berlin, N. Y.	191-200	Throop, N. Y.	251-260
Grand Gorge, N. Y.	141-150	Newburgh, N. Y.	51-60	Tioga, Pa.	241-250
Granville, N. Y.	211-220	Newfoundland, Pa.	111-120	Tranquillity, N. J.	51-60
Graybill, Pa.	176-180	New Holland, Pa.	131-140	Troy, Pa.	211-220
Great Barrington, Mass.	121-125	New Kingston, N. Y.	141-150	Truxton, N. Y.	221-225
Greencastle, Pa.	231-240	New Milford, Pa.	151-160	Tuckerton, Pa.	111-120
Groveland, N. Y.	301-310	New Paltz, N. Y.	81-90	Tully, N. Y.	226-230
Grover, Pa.	221-225	Newport, N. Y.	211-220	Tunkhannock, Pa.	161-160
Guilford, N. Y.	176-180				

Ulster, Pa.	201-210
Unionville, N. Y.	61-70
Van Hornesville, N. Y.	191-200
Vergennes, Vt.	261-270
Vernon, N. Y.	241-250
Waddington, N. Y.	361-370
Wallace, N. Y.	276-280
Walton, N. Y.	161-170
Warwick, N. Y.	51-60
Watertown, N. Y.	301-310
Waterville, N. Y.	221-225
Watkins Glen, N. Y.	231-240
Webster Crossing, N. Y.	301-310
Weedsport, N. Y.	251-260
Wellsboro, Pa.	241-250
Wellsbridge, N. Y.	181-190
West Burlington, Pa.	201-210
West Chazy, N. Y.	311-320
West Coxsackie, N. Y.	111-120
West Edmeston, N. Y.	201-210
Westfield, Pa.	261-270
West Lee, N. Y.	251-260
West Leyden, N. Y.	251-260
West Pawlet, Vt.	211-220
Westport, N. Y.	261-270
West Warren, Pa.	191-200
West Winfield, N. Y.	211-220
Whitesville, N. Y.	281-290
Whitney Point, N. Y.	181-190
Williamstown, N. Y.	271-275
Willseyville, N. Y.	201-210
Windsor, N. Y.	151-160
Wolcott, N. Y.	276-280
Woods Corners, N. Y.	191-200
Worcester, N. Y.	171-175
Wyalusing, Pa.	176-180
Youngs Crossing, N. Y.	221-225
Youngsville, N. Y.	111-120

Issued this 8th day of July 1955 at New York, New York.

[SEAL]

C. J. BLANFORD,  
Market Administrator

[F. R. Doc. 55-5945; Filed, July 21, 1955;  
8:47 a. m.]

## [ 7 CFR Part 957 ]

### IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

#### NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957) regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 957.208 *Expenses and rate of assessment.* (a) The reasonable expenses that No. 142—3

are likely to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, as amended, during the fiscal year ending May 31, 1956, will amount to \$24,222.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, shall be fifty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes han-

dled by him as the first handler thereof during said fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 93 and Order No. 57, as amended.

(49 Stat. 753, as amended; 7 U. S. C. 602c)

Done at Washington, D. C., this 18th day of July 1955.

[SEAL]

S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F. R. Doc. 55-5944; Filed, July 21, 1955;  
8:47 a. m.]

## NOTICES

### POST OFFICE DEPARTMENT

#### ASSISTANT POSTMASTER GENERAL, BUREAU OF FACILITIES

#### DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES; PROCUREMENT OF SUPPLIES AND SERVICES

The following is the text of Order No. 55941 of the Postmaster General dated July 1, 1955:

(a) The authority delegated to the Postmaster General by the Administrator of General Services Administration under date of May 27, 1955, by his order entitled "Delegation of authority authorizing the negotiation of contracts for architectural and engineering services, etc." (20 F. R. 3920) subject to the limitations imposed by such order, is hereby delegated to the Assistant Postmaster General, Bureau of Facilities (including the person acting as such officer) and to such officers and employees under his jurisdiction as he shall designate.

(b) The authority delegated to the Postmaster General by the Administrator of General Services Administration under date of May 27, 1955, by his order entitled "Delegation of authority to procure supplies and services for improvement of postal operations and other activities" (20 F. R. 3920) may be exercised by the Assistant Postmaster General, Bureau of Facilities (including the person acting as such officer), and subject to the \$25,000 limitation and the other limitations imposed by such order is hereby delegated to a chief procurement officer for the Post Office Department (including the person acting as such officer) to be designated by the Assistant Postmaster General, Bureau of Facilities.

(c) The delegation of authority under paragraph (a) of this Order shall be effective May 4, 1955, and the delegations of authority under paragraph (b) of this Order shall be effective May 27, 1955, the effective dates of the respective orders of delegation from the Administrator of General Services Administration.

*Designation of Chief Procurement Officer for the Post Office Department.*

The following is the text of Order No. 75 of the Assistant Postmaster General, Bureau of Facilities, dated July 5, 1955:

(a) Pursuant to authority of, and for the purposes of paragraph (b) of Order No. 55941 of the Postmaster General, dated July 1, 1955, and until further notice, the Chief of Procurement, Procurement Requirements and Inventory Control Section, Division of Supplies, Bureau of Facilities (including the person acting as such officer) is hereby designated as the Chief Procurement Officer for the Post Office Department, to exercise the authority and perform the functions vested in that officer by such Order No. 55941, in addition to the functions and authority heretofore, or which may hereafter be, assigned to him.

(b) This order shall be effective as of May 27, 1955, the effective date of paragraph (b) of Order No. 55941.

(R. S. 161, 396; sec. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1065; U. S. C. 22, 1332-15, 363)

[SEAL]

ABE MCGREGOR GOFF,  
The Solicitor.

[F. R. Doc. 55-5937; Filed, July 21, 1955;  
8:46 a. m.]

### DEPARTMENT OF COMMERCE

#### Office of the Secretary

[Department Order No. 125 (Amended)]

#### ADVISORY COMMITTEE ON EXPORT POLICY

##### ORGANIZATION AND FUNCTIONS

JULY 6, 1955.

The material appearing in 15 F. R. 6861 is superseded by the following:

**Section 1. Purpose.** This order redefines the organization and functions of the Advisory Committee on Export Policy and the activities of the Export Policy Staff. It provides for the coordination of policies and programs with respect to the administration of export controls in conformity with the objectives set forth in the Export Control Act of 1949, as amended.

**Sec. 2. The Advisory Committee on Export Policy.** .01 The Advisory Commit-

tee on Export Policy was established by the Secretary of Commerce on October 5, 1950, as a constituent unit of the Office of the Secretary to carry out the functions assigned in this order.

.02 The Assistant Secretary for International Affairs is the Chairman of the Committee and he may designate a Vice Chairman to act for him, as necessary.

.03 Each of the following agencies shall be invited to designate a representative to be a member of the Committee:

Department of State.  
Department of Defense.  
Department of Agriculture.  
Department of Interior.  
Office of Defense Mobilization.  
Office of the Administrator for Mutual Defense Assistance Control.  
Atomic Energy Commission.  
Bureau of Foreign Commerce (Department of Commerce).  
Business and Defense Services Administration (Department of Commerce).

.04 The Chairman may invite other agencies to designate representatives as members of the Committee when matters affecting their respective interests are under consideration. Any Committee member may designate an alternate.

#### SEC. 3. *Functions of the Committee.*

.01 It shall be the general function of the Committee to advise the Secretary as to the export measures required from the standpoint of national security, foreign policy and short supply. More specifically, the Committee shall review and recommend:

1. The strategic rating structure and the strategic ratings by which commodities and technical data are classified for security export purposes of the United States and cooperating governments;

2. Additions to or deletions from the list of items and technical data controlled for export purposes, including consideration of areas to be controlled and applicable licensing policy from the standpoint of security, foreign policy and short supply.

3. Export policies and programs affecting particular countries;

4. Export quotas for materials in short supply.

.02 The position of each member of the Committee shall be recorded on all matters brought before the Committee.

SEC. 4. *Structure of the Committee.* The Chairman is authorized to establish such subcommittees and working groups subsidiary to the Committee as he may determine to be necessary and to provide for coordination of activities with other agencies or organizations with related functions; he shall establish the rules and regulations governing the procedures and operations of the Committee and its subcommittee.

SEC. 5. *Export Policy Staff.* .01 The Export Policy Staff, in the Office of the Assistant Secretary for International Affairs, was established to assist the Chairman in carrying out his responsibilities with respect to export control policies and programs.

.02 The Staff reviews all documents and issues coming before the Committee. In particular, it is responsible for:

1. Review or initiation of proposals on the security objectives of export control;

2. Review and appraisal of estimates presented by export claimant agencies covering commodities required by foreign countries in order to assist in achieving a balanced foreign supplies program in the best interest of the defense, security, and foreign policy objectives of the United States;

3. Participation in staff work with other government organizations and agencies in problems of economic defense and mobilization planning which affect export controls; and

4. Secretariat functions, including records and reports, for the Advisory Committee on Export Policy and its subcommittees.

SEC. 6. *Effect on other orders.* This order supersedes Department Order No. 125 dated October 5, 1950, but does not affect the continuation of the Committee and its subcommittees established pursuant thereto. All records shall remain with the Office of the Assistant Secretary for International Affairs. Any other orders or parts of orders which are inconsistent with provisions of this order are hereby amended or superseded accordingly.

SINCLAIR WEEKS,  
Secretary of Commerce.

[F. R. Doc. 55-5932; Filed, July 21, 1955;  
8:45 a. m.]

[Department Order No. 87 (Amended)]

#### COAST AND GEODETIC SURVEY ORGANIZATION AND FUNCTIONS

JULY 1, 1955.

The material appearing in 18 F. R. 4222, and 19 F. R. 234 is superseded by the following:

SECTION 1. *Purpose.* The purpose of this order is to describe the organization and define the functions of the Coast and Geodetic Survey.

SEC. 2. *Organization.* .01 The Coast and Geodetic Survey established by the Act of June 20, 1878, (20 Stat. 206, 215) and whose functions and authorities are now described in Title 33, Chapter 17, U. S. Code, is a primary organization unit within and under the jurisdiction of the Department of Commerce. The Coast and Geodetic Survey shall be headed by a Director appointed by the President, with the advice and consent of the Senate. The Director shall report and be immediately responsible to the Under Secretary of Commerce.

.02 The Coast and Geodetic Survey shall be constituted as follows:

1. Office of the Director, including—

(1) The Assistant Director;

Research, Review and Technical Information Staff, Liaison Staff, International Technical Cooperation Staff.

(2) Assistant Director for Administration.

2. Scientific and technical divisions, which include:

(1) Charts Division.

(2) Coastal Surveys Division.

(3) Geodesy Division.

(4) Geophysics Division.

(5) Photogrammetry Division.

(6) Tides and Currents Division.

3. Administrative divisions, which include:

(1) Administrative Services Division.

(2) Budget and Fiscal Services Division.

(3) Instruments Division.

(4) Personnel and Management Division.

4. A field organization composed of:

(1) District offices.

(2) Magnetic observatories and latitude observatories.

(3) Field parties engaged in the following surveys:

(a) Hydrography (ships, launches, and shore based)

(b) Geodetic.

(c) Magnetic.

(d) Seismological.

(e) Gravity.

(f) Photogrammetric.

(g) Tides.

(h) Flight check.

(i) Coast pilot.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, and subject to such policies and directives as the Secretary of Commerce may prescribe, the Director, Coast and Geodetic Survey, is hereby delegated the authorities and powers assigned to the Secretary by Title 33, Chapter 17, U. S. Code, or by any other existing or subsequent legislation with respect to surveying, cartography, and geophysical science activities within the special competence of the Coast and Geodetic Survey.

.02 The Director may redelegate and authorize the successive redelegation of the authority granted herein to any employee of the Coast and Geodetic Survey and may prescribe such limitations, restrictions and conditions in the exercise of such authority as he deems appropriate.

SEC. 4. *General functions.* The general functions of the Coast and Geodetic Survey are to provide charts and related information for the safe navigation of marine and air commerce, and to provide certain basic data for engineering and scientific purposes and for commercial and industrial needs.

SEC. 5. *Functions of the Office of the Director.* .01 The Director shall establish policies and develop programs of the Bureau and be responsible for the general direction, supervision, and coordination of the work of the Coast and Geodetic Survey.

.02 The Assistant Director serves as deputy and advisor to the Director in the program planning, coordination, direction, and evaluation of the scientific and technical work of the Bureau, and exercises general supervision over the operational functions of the scientific and technical divisions, and the district offices. In the absence of the Director, the Assistant Director assumes the responsibility of the Director of the Bureau. In addition, he directs activities of the Research, Review and Technical Information Staff, the Liaison Staff, and the

International Technical Cooperation Staff whose functions are:

1. Research, Review and Technical Information Staff prepares Bureau reports, papers, technical journals and pamphlets; coordinates the dissemination of information relating to technical interpretation of charts and surveys; and provides technical assistance and advice to other Federal agencies concerned with matters involving seaward boundaries.

2. Liaison Staff performs necessary liaison between the Coast and Geodetic Survey and the Civil Aeronautics Administration; the Bureau of the Budget and other Federal agencies concerned, for the purpose of coordinating plans and programs involving requirements by such agencies, or the Government generally, for surveying, charting and mapping.

3. The International Technical Cooperation Staff administers the training of foreign nationals under the international technical cooperation programs in those activities conducted by the Bureau. The staff represents the Department at national and international conferences pertaining to the broad cartographic field and cooperates with the Department of State, the Foreign Operations Administration, and UNESCO on matters affecting technical cooperation programs.

.03 The Assistant Director for Administration serves as principal assistant and adviser to the Director on all administrative matters. He has jurisdiction over budget, finance, personnel, management, and administrative service matters, instrumental design, repair, and supply activities, coordinating and directing these functions to meet the requirements of the technical and scientific program of the Bureau. In addition, he assumes responsibility for development and maintenance of major relationships outside the Bureau on administrative and management activities; and establishes and effectuates personal and physical security regulations.

**Sec. 6. Functions of the Scientific and Technical Division.** .01 The Coastal Surveys, Geodesy, Geophysics, Photogrammetry, Tides and Currents, and Charts Divisions are classified as the scientific and technical divisions of the Bureau. Certain functions, common to each of these divisions, are as follows:

1. Compilation, publication, and dissemination of technical data of the Bureau;

2. Processing and analysis of field surveys and observations;

3. Development of new and improved methods to provide greater accuracy of results or efficiency of operations;

4. Research, technical development, and, in collaboration with the Instruments Division, design and improvement of equipment and instruments used both in the field and the Washington office; and

5. Administration of field and Washington office activities including project planning; preparation of instructions; evaluation and review of results, completed surveys and reports; and field inspection as required.

.02 The fields of activity or specialized functions of the scientific and technical divisions are as follows:

1. The Coastal Surveys Division prepares plans for and supervises the execution of hydrographic and plane table topographic surveys along the coasts of the United States and its possessions. The division maintains the Bureau's vessels and other floating equipment, and directs their construction, maintenance, and repair.

2. The Geodesy Division prepares plans for and executes geodetic surveys, including triangulation, traverse, leveling, base line measurement, and astronomical and gravity determination. This division operates the latitude observatories and supervises the computation, adjustment, and publication of results of field surveys in various forms as required for surveying, engineering, and research work.

3. The Geophysics Division prepares plans for and executes magnetic and seismological investigations in the United States and its possessions. This division has supervision over:

(1) Magnetic and seismological field surveys, including magnetic observatories, seismological stations, and airborne operations,

(2) Locating earthquakes and analyses of destructive earthquake motions with reference to structural vibrations from the engineering viewpoint,

(3) Investigating relationships between seismological or magnetic phenomena and other geophysical phenomena,

(4) Standardization of geomagnetic instruments and maintenance of international magnetic standards, and

(5) Operation of the seismic sea wave warning system in collaboration with the Tides and Currents Division.

4. The Photogrammetry Division shall conduct field surveys involving the use of aerial photographs and perform related activities, including aerial photography, photogrammetric field surveys, airport field surveys, and the compilation, review, drafting, and editing of topographic and planimetric maps and airport obstruction plans.

5. The Tides and Currents Division shall conduct tide and current investigations along the coasts and inland tidal waters of the United States and its possessions. This division has supervision over:

(1) Determination of mean sea level and other basic tidal datums, and the prediction of tides and currents,

(2) Publication of annual tide tables covering all oceans, annual current tables, tidal current charts and temperature and density observations of sea water,

(3) Research in tides, currents, and related oceanographic work, and

(4) Operation, jointly with the Geophysics Division, of the seismic sea wave warning system.

6. The Charts Division shall compile, produce, and distribute nautical and aeronautical charts and certain related publications issued by the Bureau. This division supervises:

(1) The verification, review, and custody of hydrographic surveys and accompanying records,

(2) The compilation, publication, and distribution of Coast Pilots, and

(3) The flight checking of aeronautical charts.

**Sec. 7. Functions of the Administrative Divisions.** .01 Administrative management functions of the Bureau, under the direction of the Assistant Director for Administration, are performed by the administrative divisions as follows:

1. The Administrative Services Division provides the Bureau with general administrative services, including the procurement of supplies, materials, and equipment; and the maintenance of library, archives, mail and messenger services.

2. The Budget and Fiscal Services Division prepares budget estimates and justifications and assists in the presentation of the budget to the Department, the Bureau of the Budget, and the Congress; maintains expenditure and obligation controls and accounts; administers the travel and transportation programs of the Bureau and the commissioned personnel program for active and retired officers; receives and deposits as miscellaneous receipts funds received from the sale of surplus property, refunds, and all other sources except from the sale of charts and publications; and performs related fiscal activities including the preparation of reports, the examination, audit and certification of vouchers, and maintenance and control of payroll and bond schedules, leave and retirement and withholding tax.

3. The Instruments Division provides the precision instruments and other equipment used by the Bureau. In this connection the division performs scientific research and development in production and design, provides technical guidance to other divisions on mechanical engineering problems, and prepares specifications for the purchase of instruments and other apparatus. The division is also responsible for repairing, storing, and issuing equipment; designing and building new instruments; improvement of existing apparatus and construction of experimental and pilot models of new and improved instruments; maintenance of property accounts of all instrumental and office equipment; auditing of instrumental and property inventory records of field parties; and maintenance of specialized electrical and mechanical devices and equipment.

4. The Personnel and Management Division develops and directs the civilian personnel program for the Bureau, giving assistance and guidance to all other divisions on personnel administration, and administers the management program. In connection with personnel matters the division has responsibility for position classification and wage board matters, employee relations, recruitment placement, orientation, and supervisory training; performance ratings, incentives, and awards programs; processing records and reports. In connection with management activities, the division is responsible for the Management Improvement Program; making



organization and methods surveys; and the preparation and review of Bureau issuances covering administrative activities.

**SEC. 8. Functions of the Field Organization.** .01 The field organization of the Bureau (see Appendix I) is composed of district offices, field parties, and observatories, and carries out the following functions and activities:

1. District Offices shall supervise and direct all fixed Bureau functions located in the district except Latitude and Magnetic Observatories and shall process the field records of field parties. This includes the processing of hydrographic surveys; the computation and adjustment of geodetic data, and the compilation of topographic and planimetric maps from aerial photographs by graphic or stereoscopic methods, using the results of photogrammetric field surveys. Studies and recommendations are also made for surveys for the construction and maintenance of nautical and aeronautical charts; for obtaining geodetic control data for private and public engineering use; for obtaining magnetic and seismological data; and for obtaining airport obstruction plan data. District Offices maintain close liaison with Federal, state, and local government agencies, and private organizations and individuals for the purpose of gathering and disseminating data relative to nautical and aeronautical charts and geodetic control. They maintain a library of charts and other Bureau publications for reference purposes, and supervise the establishment and inspection of agents selling Bureau charts and other publications.

2. Observatories containing instrumental equipment for recording magnetic datums and earthquake shocks are operated under the direction of the Chief, Geophysics Division. Observatories containing instrumental equipment for recording variation of the axis of the earth affecting latitude determinations are operated under the direction of the Chief, Geodesy Division. It is the duty of the officer or observer in charge of these observatories to maintain the instruments so that accurate results are obtained.

3. Field parties consist of hydrographic (shore and ship based) parties and field parties. They engage in various types of unsurveying, such as hydrographic, leveling, triangulation, photogrammetric, etc. for the purpose of obtaining basic field data which is later analyzed, processed, and disseminated.

**SEC. 9. Effect on other orders.** This order supersedes Department Order No. 87 (Amended) of April 21, 1953, and Amendment No. 1 thereto of December 2, 1953. Any other orders or parts of orders which are inconsistent or in conflict with the provisions of this order are hereby superseded or amended accordingly.

SINCLAIR WEEKS,  
*Secretary of Commerce.*

#### APPENDIX I

**District Offices.** The location of the district offices of the Coast and Geodetic

Survey and the areas over which they have jurisdiction are as follows:

#### *Name of District and Headquarters of District Officer*

Boston District, Boston, Mass.  
New York District, New York, N. Y.  
Baltimore District, Baltimore, Md.  
Norfolk District, Norfolk, Va.  
Tampa District, Tampa, Fla.  
New Orleans District, New Orleans, La.  
Fort Worth District, Fort Worth, Tex.  
Kansas City District, Kansas City, Mo.  
Los Angeles District, Los Angeles, Calif.  
San Francisco District, San Francisco, Calif.  
Portland District, Portland, Oreg.  
Seattle District, Seattle, Wash.  
Honolulu District, Honolulu, T. H.

District limits are established as follows:

1. Boston District—All of the States of Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island.

2. New York District—All of the States of New York, Connecticut, and New Jersey.

3. Baltimore District—All of the States of Pennsylvania, Ohio, and Maryland.

4. Norfolk District—All of the States of West Virginia, Virginia, North Carolina, and the parts of Kentucky and Tennessee east of the Tennessee River.

5. Tampa District—All of the States of South Carolina, Georgia, and Florida.

6. New Orleans District—All of the States of Alabama, Mississippi, Louisiana, Arkansas, the parts of Kentucky and Tennessee west of the Tennessee River, and the coastal area of Texas south and east of and including the following counties: Bowie, Red River, Franklin, Wood, Smith, Cherokee, Angelina, Polk, San Jacinto, Walker, Madison, Robertson, Milam, Bell, Lampasas, San Saba, McCulloch, Menard, Kimble, Edwards, and Valverde.

7. Fort Worth District—All of the States of Oklahoma and New Mexico and that part of Texas north and west of the counties listed in the New Orleans District.

8. Kansas City District—All of the States of Michigan, Wisconsin, Indiana, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Wyoming, Nebraska, Colorado, and Kansas.

9. Los Angeles District—All of the State of Arizona, Clark County, Nevada, and the following counties of California: San Bernardino, Kern, Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Diego, and Imperial.

10. San Francisco District—All of the State of Utah, and the parts of Nevada and California not assigned to the Los Angeles District.

11. Portland District—All of the States of Montana, Idaho, Oregon, and the following counties of Washington adjacent to the Columbia and Snake Rivers: Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, Benton, Franklin, Walla Walla, Columbia, Garfield, and Asotin.

12. Seattle District—The State of Washington except for those counties assigned to the Portland District.

13. Honolulu District—All of the Hawaiian Islands.

[F. R. Doc. 55-5933; Filed, July 21, 1955; 8:45 a. m.]

## DEPARTMENT OF LABOR

### Office of the Secretary

#### CALIFORNIA

#### NOTICE OF OPPORTUNITY FOR HEARING TO CALIFORNIA DEPARTMENT OF EMPLOYMENT; AMENDMENT

Amended Notice of Opportunity for Hearing to the California Department of Employment pursuant to section 3304 (c) of the Internal Revenue Code.

The Notice of Opportunity for Hearing to the California Department of Employment published in the FEDERAL REGISTER on June 15, 1955 (20 F. R. 4193), as amended on June 24, 1955 (20 F. R. 4664), is further amended,

(1) By striking out paragraph numbered 3 and inserting in lieu thereof the following:

3. The hearing examiner may receive documentary evidence submitted by interested persons other than the parties of record if, in his opinion, such evidence will substantially aid in the determination of the issues involved and will not unduly prolong the proceedings. Other participation by any person not a party of record shall be limited to oral argument as provided in paragraph 12 of this Notice and to the filing of written briefs on the issues within the time allowed in paragraph 13, as amended, of this Notice.

In all other respects the aforementioned notice, as previously amended, remains unchanged.

Signed at Washington, D. C., this 18th day of July 1955.

JAMES P MITCHELL,  
*Secretary of Labor*

[F. R. Doc. 55-5935; Filed, July 21, 1955; 8:45 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. E-6635]

FRONTIER POWER CO.

#### NOTICE OF APPLICATION FOR ORDER TO SELL PROPERTY

JULY 18, 1955.

Take notice that on July 13, 1955, an application was filed by Frontier Power Company (Frontier) a corporation incorporated in Colorado, doing business in Colorado and New Mexico, with its principal business office at Trinidad, Colorado, pursuant to Section 203 of the Federal Power Act seeking an order authorizing the sale of all of its physical properties to the San Isabel Electric Association, Inc., a corporation authorized under the Rural Electrification Administration, doing business principally in Huerfano, Pueblo and other counties in Southern Colorado, to the Springer Electric Cooperative, Inc., also a corporation authorized to do business under the Rural Electrification Administration, operating primarily in Colfax County, New Mexico, with some customers in Las Animas County, Colorado, and to the City of Walsenburg, Colorado. Frontier proposes to sell to the Springer Cooperative its transmission line starting at a point south of Trinidad, Colorado, and



extending south to the New Mexico-Colorado border for the sum of \$85,000; to San Isabel a transmission line running north and south from Walsenburg, its generating plant located in Trinidad and certain miscellaneous property for the sum of \$1,165,000; and to the City of Walsenburg the transmission and distribution systems and generating plant located within such city for the sum of \$750,000, each price being subject to certain adjustments at the closing; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make an protest with reference to said applications, should on or before the 6th day of August 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's Rules of Practice and Procedure. The applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-5953; Filed, July 21, 1955;  
8:49 a. m.]

[Docket No. G-2506]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF CONTINUANCE OF HEARING

JULY 15, 1955.

Upon consideration of the motion of Panhandle Eastern Pipe Line Company, filed July 11, 1955, for continuance of the hearing now scheduled for July 26, 1955, in the above-designated matter;

The hearing now scheduled for July 26, 1955, is hereby postponed to September 8, 1955, at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-5954; Filed, July 21, 1955;  
8:49 a. m.]

[Docket No. G-3711]

UNION OIL CO. OF CALIFORNIA AND LOUISIANA LAND AND EXPLORATION CO.

NOTICE OF FURTHER CONTINUANCE OF  
HEARING

JULY 18, 1955.

Upon consideration of the motion of Union Oil Company of California, filed June 27, 1955, for further continuance of the hearing now scheduled for July 25, 1955, in the above-designated matter;

The hearing now scheduled for July 25, 1955, is hereby postponed to September 14, 1955, at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-5955; Filed, July 21, 1955;  
8:49 a. m.]

[Docket No. G-4872, Etc.]

AMERICAN REPUBLICS CORP. ET AL.  
NOTICE OF APPLICATIONS AND DATE OF  
HEARING

JULY 18, 1955.

In the matters of American Republics Corporation, Docket Nos. G-4872, G-4873, G-4941, G-4942, G-5161 through G-5164, G-5726 through G-5728 and G-8494; Sinclair Oil & Gas Company, H. D. S. Eastern Corporation, Alban Oil & Gas Corporation, Fifty-First Street Associates, Inc., Docket No. G-8493.

Take notice that American Republics Corporation (American), a Delaware

Corporation with its principal place of business in Houston, Texas, filed applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing it to render services hereinafter described, subject to the jurisdiction of the Commission all as more fully represented in the applications which are on file with the commission and open for public inspection.

American indicates in its respective applications that it produces and sells natural gas in interstate commerce for resale as set forth below:

Docket Nos.	Dates of filing	Buyers	Fields
G-4872	Nov. 1, 1954	Texas Eastern.....	Silsbee, Tex.
G-4873	Nov. 15, 1954	do.....	Several in Tex. <sup>1</sup>
G-4941	Nov. 18, 1954	do.....	River, Tex.
G-4942	do.....	United Gas Pipe Line Co.....	Bancroft, La.
G-5161	Nov. 19, 1954	Texas Eastern.....	North Willow Springs, Tex.
G-5162	Nov. 22, 1954	Tennessee Gas.....	Village Mills, Tex.
G-5163	do.....	El Paso.....	Cooper-Jail, N. Mex.
G-5164	do.....	Tennessee Gas.....	Cecil Noble, Tex.
G-5726	Nov. 24, 1954	El Paso.....	Eugene, N. Mex.
G-5727	do.....	Tennessee Gas.....	S. Hyatt, Tex.
G-5728	do.....	El Paso.....	Langley-Mattie, N. Mex.

<sup>1</sup> Vickers, E. Beech Creek, Elliott, Hampton, N. Silsbee, Castillo, West Gist, Camp Town, Northwest Hartburg Lemonville, and Doty Fields.

On February 11, 1955, the stockholders of American voted to approve the liquidation of that Company and to sell all its assets and properties to the Alban Corporation (not an Applicant) on March 23, 1955. On the same day Alban Corporation sold to Sinclair Oil & Gas Company all of these assets and properties, except a "Production payment interest" of 83 percent of the oil and gas in place and the proceeds of the sale thereof. Alban Corporation also sold to the other three Applicants in Docket No. G-8493 its 83 percent interest in the following proportions: 60 percent to H. D. S. Eastern Corporation, 20 percent to Alban Oil & Gas Corporation and 20 percent to Fifty-First Street Associates.

On February 18, 1955, American filed an application in Docket No. G-8404 under Section 7 (b) of the Natural Gas Act for permission to abandon the services described in its applications filed herein pursuant to Section 7 (c) of the Natural Gas Act. On the same day Sinclair Oil & Gas Company et al. filed an application in Docket No. G-8493, pursuant to Section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity, authorizing it to acquire from American and operate all of American's facilities and render the same services under the same contracts, prices and terms as described by American in its 7 (c) applications.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August

24, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 5, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-5956; Filed, July 21, 1955;  
8:49 a. m.]

[Docket No. G-9020]

WOOFER-JONES GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 18, 1955.

Take notice that Woofert-Jones Gas Company, a West Virginia organization whose address is Glenville, West Virginia, filed on June 8, 1955, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file

with the Commission and open for public inspection.

Applicant proposes to sell Natural Gas produced from Stewarts Creek, Glenville District, Gilmer County, West Virginia to Equitable Gas Company for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 24, 1955, at 9:45 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 8, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-5957; Filed, July 21, 1955;  
8:50 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3393]

EASTERN UTILITIES ASSOCIATES AND BLACKSTONE VALLEY GAS AND ELECTRIC CO.

ORDER REGARDING ISSUANCE AND SALE OF PROMISSORY NOTES TO BANKS AND/OR PARENT COMPANY

JULY 18, 1955.

Eastern Utilities Associates ("EUA") a registered holding company, and its public-utility subsidiary company, Blackstone Valley Gas and Electric Company ("Blackstone") having filed a joint application-declaration and an amendment thereto with this Commission pursuant to Sections 7, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("Act") and Rule U-43 (a) promulgated thereunder with respect to the following proposed transactions:

Blackstone proposes to issue, from time to time but not later than April 30, 1956, short-term unsecured promissory notes to banks and/or EUA in the aggregate principal amount not in excess of \$3,750,000 with the maximum amount of such notes outstanding at any one time not to be in excess of \$2,750,000. The proposed short-term note financing is for the purpose of paying Blackstone's outstanding bank indebtedness and for paying for construction expenditures. Such notes will mature in less than one year and in any event not later than April 30, 1956 with the privilege of prepayment in whole or in part without penalty and will bear interest at the prime rate of interest charged by banks for similar notes at the time of issuance thereof and with respect to notes to banks to be adjusted to the prime rate of

interest in effect at the beginning of each subsequent quarterly period.

The rate of interest on notes issued by Blackstone to EUA will in no event exceed the rate of interest of any notes of EUA outstanding with banks. It is stated that to the extent necessary EUA will utilize funds available in its treasury or funds derived from the proceeds of short-term borrowings.

According to the application-declaration no commissions, fees, expenses or other remuneration will be paid in connection with the proposed note issues except legal fees and disbursements of counsel for Blackstone and EUA, estimated in the aggregate amount of \$785, and no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed note issues.

It is requested that the Commission's order herein become effective forthwith upon issuance.

Due notice of the filing of said application-declaration having been given in the manner prescribed by Rule U-23 under the Act, and no hearing having been requested of, or ordered by, the Commission; and the Commission finding that the applicable provisions of the Act and the Rules promulgated thereunder are satisfied, that no adverse findings are necessary, that the fees and expenses set forth above are not unreasonable, and deeming it appropriate in the public interest and the interest of investors and consumers that said application-declaration should be granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 promulgated under the Act:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that said application-declaration, as amended; be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 55-5938; Filed, July 21, 1955;  
8:46 a. m.]

[File No. 812-942]

INVESTORS DIVERSIFIED SERVICES, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER AMENDING AN OUTSTANDING ORDER WITH RESPECT TO LOANS TO EMPLOYEES

JULY 18, 1955.

Notice is hereby given that Investors Diversified Services, Inc. (formerly Investors Syndicate) ("IDS") a face-amount certificate company, registered under the Investment Company Act of 1940, has filed an application pursuant to Sections 6 (c) and 17 (b) of said Act for an order amending certain terms and conditions of an order of this Commission dated October 2, 1947 (Investment Company Act Release No. 1113) exempting from the provisions of Section 17 (a) (3) certain transactions whereby its employees and employees of Investors Syndicate of America, Inc. and of In-

vestors Mutual, Inc. may borrow money from the Applicant.

Said order of October 2, 1947 granted the application for an exemption from the provisions of Section 17 (a) (3) of the Act with respect to the borrowing of money from IDS by its employees and by the employees of Investors Syndicate of America, Inc. and Investors Mutual, Inc. subject to certain terms and conditions, which, among others, included those numbered (1) and (2) quoted below:

1. The only persons eligible to borrow money from Investors Syndicate under this order shall be full time employees of Investors Syndicate, Investors Syndicate of America, Inc. or Investors Mutual, Inc. who have been employed for a period of at least six months immediately preceding the date of the loan, who are not directors or officers of the aforesaid companies or persons engaged in offering or selling the securities issued or underwritten by the aforesaid companies and whose individual annual compensation is less than \$5,000 per year.

2. The total amount of indebtedness of any such employees to Investors Syndicate for such loans shall not at any time exceed the aggregate of the borrower's salary for a three-month employment period immediately preceding the date of the loan. The aggregate amount of all such loans outstanding at any one time shall not exceed the sum of \$25,000.

Applicant states that since the date of the issuance of the said order there has been a sizable increase in the levels of wages and salaries and a substantial growth of Applicant and its affiliated companies which has resulted in an increase in personnel. Accordingly, Applicant requests that the Commission's order be amended so as to permit (1) borrowings by eligible employees who are not officers or directors whose individual annual compensation is less than \$12,000 per year and (2) the maximum amount of all such loans outstanding at any one time to be the sum of \$50,000.

Applicant is the underwriter and distributor of securities issued by Investors Syndicate of America, Inc., a registered face-amount certificate company and a wholly-owned subsidiary of IDS, and of securities issued by Investors Mutual, Inc., a registered management investment company, as well as the securities of certain other companies. Both of the above mentioned companies were organized and promoted by IDS and are affiliated with the latter. By definition, under the Act employees of a company are affiliated persons of such company.

Section 17 (a) (3) of the Act prohibits an affiliated person or promotor of, or principal underwriter for a registered investment company or an affiliated person of such person from borrowing money or other property from such registered company or from any company controlled by such registered company subject to certain exceptions not here pertinent, unless the Commission upon application pursuant to Section 17 (b) grants an exemption from the provisions of Section 17 (a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction

is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than August 2, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the Rules and Regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 55-5939; Filed, July 21, 1955;  
8:46 a. m.]

[File No. 812-943]

INVESTORS DIVERSIFIED SERVICES, INC.

NOTICE OF FILING OF APPLICATION FOR  
ORDER AMENDING OUTSTANDING ORDER  
WITH RESPECT TO ADVANCES AND LOANS TO  
CERTAIN PERSONS

JULY 18, 1955.

Notice is hereby given that Investors Diversified Services, Inc. (formerly Investors Syndicate) ("IDS") a face-amount certificate company, registered under the Investment Company Act of 1940, has filed an application pursuant to sections 6 (c) and 17 (b) of said act for an order amending certain terms and conditions of an Order of this Commission dated March 20, 1951 (Investment Company Act Release No. 1599) exempting from the provisions of Section 17 (a) (3) certain transactions between IDS and persons engaged in the offering and sale of securities for which IDS is the underwriter.

Said Order of March 20, 1951, granted the application for an exemption from the provisions of section 17 (a) (3) of the act with respect to the lending of money in the form of periodic advances or secured lump sum loans from time to time by IDS to its divisional managers, district managers, and sales representatives whose income was derived from the sale of securities for which IDS is the underwriter, subject to terms and conditions, which among others, included those numbered (3) and (4) quoted below:

(3) Lump-sum loans shall not at any one time aggregate for a salesman more than \$2,500 or for a divisional manager more than \$5,000. The same individual may have both periodic advances and lump-sum loans available to him at the same time but in no event shall the aggregate of such loans and advances to any one individual exceed the limits set forth in paragraph 4 below. The

aggregate lump-sum loans to a part-time salesman shall not exceed the amount of renewal commissions from business currently produced by such part-time salesman.

(4) The maximum debit balance of periodic advances and lump-sum loans shall at no time exceed an aggregate of \$5,000 for any one salesman or district manager, or \$10,000 for any one divisional manager. The aggregate amount of all loans and advances outstanding at any one time shall not exceed \$400,000.

Applicant states that since the date of the issuance of the said order, commissions to sales representatives and managers have been increased; the volume of business done by the sales organization and the average individual production has increased very materially; and the costs of doing business on the part of the sales representatives and the managers have increased very substantially and made it necessary for them to resort to loans and advances as provided for in the previous order. Accordingly, Applicant requests that the Commission's Order be amended so as to permit (1) lump-sum loans for any one salesman in an amount not exceeding \$5,000 at any one time or for any one divisional manager in an amount not exceeding \$10,000 and (2) the maximum debit balance of periodic advances and lump-sum loans for any one salesman in an amount not exceeding an aggregate of \$7,000 or for any one divisional manager in an amount not exceeding \$15,000, provided that the aggregate of all loans and advances outstanding at any one time shall not exceed \$600,000.

The Applicant is also registered with this Commission as a broker under the provisions of the Securities Exchange Act of 1934. It is the underwriter and distributor of securities issued by Investors Syndicate of America, Inc., a registered face-amount certificate company and a wholly owned subsidiary of IDS, and of securities issued by Investors Mutual, Inc., Investors Selective Fund, Inc., Investors Stock Fund, Inc., and Investors Group Canadian Fund, Ltd., registered management investment companies which were organized and promoted by the Applicant and which are affiliated with the latter.

By definition, under the Act, employees of a company are affiliated persons of such company. By making and filing this application, IDS states that it does not waive its claim that the sales representatives, district and divisional managers are independent contractors and that Section 17 (a) (3) is not applicable to advances made by the Applicant to such persons.

Section 17 (a) (3) of the Act prohibits an affiliated person or promoter of, or principal underwriter for, a registered investment company or an affiliated person of such person from borrowing money or other property from such registered company or from any company controlled by such registered company, subject to certain exceptions not here pertinent, unless the Commission, upon application pursuant to Section 17 (b) of the Act, grants an exemption from the provisions of Section 17 (a). Under the terms of Section 17 (b) an exemption shall be granted by the Commission if evidence establishes: That the terms of

the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act; and that the proposed transaction is consistent with the general purposes of the Act.

Notice is further given that any interested person may not later than August 2, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the Rules and Regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 55-5940; Filed, July 21, 1955;  
8:46 a. m.]

[File No. 31-627]

ELECTRIC BOND AND SHARE CO.

NOTICE OF FILING AND ORDER FOR HEARING

JULY 18, 1955.

Notice is hereby given that Electric Bond and Share Company ("Bond and Share") a registered holding company, has filed an application pursuant to section 3 (a) (5) of the Public Utility Holding Company Act of 1935 ("Act") seeking an order of this Commission declaring that Bond and Share is exempt from all provisions of the Act other than section 9 (a) (2).

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

By orders dated February 20, 1953 and July 15, 1953 this Commission approved a Final Comprehensive Plan under section 11 (e) of the Act in respect of the Bond and Share holding company system. This Plan was approved and ordered enforced by the United States District Court for the Southern District of New York on July 16, 1953.

The Plan provides for the transformation of Bond and Share from a domestic public-utility holding company to an exempt holding company to be registered under the Investment Company Act of 1940 as an investment company. Bond and Share is to retain its holdings of American & Foreign Power Company Inc. ("Foreign Power") an exempt public-utility holding company whose public-utility subsidiaries operate entirely

outside the United States, and Ebasco Services Incorporated ("Ebasco"), an engineering and consulting company which renders services to public-utility and non-utility enterprises. Additionally, Bond and Share was required to dispose, not later than July 16, 1955, of sufficient of its holdings of the common stock of United Gas Corporation ("United Gas"), a domestic public-utility company, so that Bond and Share would own less than 5 percent of the outstanding shares of common stock of United Gas. In this regard, the Plan further provided that: "Bond and Share will take any further step or steps pertinent to the question of the presence of any affiliation between Bond and Share and United Gas that may be deemed by the Commission to be necessary for Bond and Share to take in order to qualify for a section 3 (a) (5) exemption, including any further disposition of United Gas stock held by Bond and Share (below approximately 4.9 percent of the outstanding shares of such stock) "

Accordingly, the Plan as finally approved provided that, following completion of the dispositions of United Gas stock noted above, Bond and Share would file with the Commission and prosecute diligently an application under section 3 (a) (5) of the act for exemption from all provisions of the act other than section 9 (a) (2). Pursuant to that provision of the Plan, Bond and Share has filed the present exemption application. This filing states that, following consummation of the divestment program for the United Gas stock, it will, by July 16, 1955, hold 4.97 percent of the common stock of United Gas and that, subsequent to that time, it will not derive any material part of its income, directly or indirectly, from any one or more subsidiary companies which are a company or companies the principal business of which within the United States is that of a public-utility company.

In connection with the approval and enforcement of the Plan, the Commission, among other things, noted that, at the time the definitive exemption application was filed, Bond and Share would be required to demonstrate that it is not in a position of affiliation with any domestic utility company or any utility holding company whose subsidiaries operate in the United States. The Commission also noted that Bond and Share and United Gas have an arrangement with National Research Corporation, a non-affiliated research organization, and that the existence of that arrangement might indicate an affiliated relationship which would be considered at the time the definitive exemption application was filed. Additionally, in October 1954 Bond and Share and United Gas entered into an agreement under which they have undertaken to provide up to \$13,400,000, each by subscription to all of the capital stock, of Escambia Bay Chemical Corporation, a new company organized to manufacture and sell chemicals. Bond and Share and United Gas have also offered to make available to National Research Corporation 10 percent of the securities of this new company out of their joint participation and also have

offered to finance such acquisition of securities by National Research Corporation. Furthermore, the Commission pointed to the fact that Bond and Share has one direct representative on the board of United Gas and that the propriety of that representation would be considered at the time the exemption application of Bond and Share was acted upon.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a public hearing be held with respect to the application of Bond and Share for exemption pursuant to section 3 (a) (5) of the Act from all provisions of the Act except section 9 (a) (2) and that such application should not be granted except pursuant to further order of the Commission:

*It is ordered* That a hearing on said application, pursuant to the applicable provisions of the Act and the Rules of the Commission, be held on September 14, 1955, at 10:00 a. m., e. d. s. t., at the offices of the Commission, 425 Second Street, NW., Washington 25, D. C. On said date the hearing room clerk in Room 193 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission on or before September 7, 1955, a request relative thereto as provided in Rule XVII of the Commission's Rules of Practice.

*It is further ordered* That William W. Swift, or any other officer or officers of this Commission designated by it for that purpose, shall preside thereat. The officer or officers so designated to preside are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a hearing officer under the Commission's Rules of Practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to the specifying of additional matters and questions upon further examination:

(1) Whether Bond and Share "is not, and derives no material part of its income, directly or indirectly, from any one or more subsidiary companies which are, a company or companies the principal business of which within the United States is that of a public utility company"

(2) Whether Bond and Share directly or indirectly exercises (either alone or pursuant to an arrangement or understanding with one or more other persons) such a controlling influence over the management or policies of any public-utility company or holding company as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that Bond and Share be subject to the obligations, duties, and liabilities imposed in the Act upon holding companies;

(3) Whether Bond and Share directly or indirectly stands "in such relationship to" any public-utility company operating

in the United States "that there is liable to be such an absence of arm's-length bargaining in transactions between them as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that" Bond and Share "be subject to the obligations, duties, and liabilities imposed in" the Act upon affiliates of a company"

(4) Specifically, whether interlocking directorships between Bond and Share and United Gas should be prohibited or any transactions or other relationships between Bond and Share and United Gas be subject to any of the provisions of the Act and Rules and Regulations thereunder and whether the relationships between Ebasco and any of its public-utility or holding-company clients should be subject to any of the provisions of the Act and Rules and Regulations thereunder.

(5) Whether and to what extent, if any, the application of Bond and Share should be conditioned in respect of any of the provisions of the Act and Rules and Regulations thereunder;

(6) Whether and what type of conditions, if any, including the possible requirement that periodic reports in respect of Ebasco's activities be submitted to the Commission, should be imposed in any order granting Bond and Share an exemption from the Act and Rules and Regulations thereunder;

(7) Specifically, what conditions, if any, are appropriate and necessary "to prevent recurrence of possible abuses which arose prior to passage of the Holding Company Act" and to assure that Bond and Share directly, or indirectly through Ebasco, does not exercise control or a controlling influence over any of its public-utility or holding-company clients operating in the United States or stand in such relationship to such public-utility or holding-company clients that there is liable to be an absence of arm's-length bargaining between Ebasco and these public-utility or holding-company clients or Bond and Share and the public utility or holding company clients of Ebasco;

(8) Whether Bond and Share should continue to retain an interest in a certain contract dated June 28, 1950, with National Research Corporation and United Gas for the conduct of research in the petro-chemical field for the purpose of developing a commercially exploitable process or product;

(9) Whether Bond and Share should continue to retain an interest in Escambia Bay Chemical Corporation;

(10) Whether Bond and Share should be permitted to keep a representative on the board of directors of United Gas;

(11) Whether it is necessary that Bond and Share dispose of all, or any portion of, the United Gas stock now held by Bond and Share.

*It is further ordered*, That particular attention be directed at said public hearing to the foregoing matters and questions.

*It is further ordered*, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this Notice and Order by registered mail to Bond and Share, United, and Ebasco and that notice to all other

persons shall be given by publication of this Notice and Order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this Notice and Order be distributed to the press and mailed to the persons appearing on the mailing list of the Commission for releases under the Act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 55-5941; Filed, July 21, 1955;  
8:46 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. SA-307]

### ACCIDENT OCCURRING NEAR KANSAS CITY, KANS.

#### NOTICE OF HEARING

In the matter of investigation of accident involving air collision between aircraft of United States Registry N 51167 and N 1158D which occurred near Kansas City, Kansas, July 12, 1955.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Section 702 of said Act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, July 28, 1955, at 9:30 a. m. (local time) in the Tower Room, Aladdin Hotel, Kansas City, Missouri.

Dated at Washington, D. C., July 19, 1955.

[SEAL] VAN R. O'BRIEN,  
Presiding Officer

[F. R. Doc. 55-5969; Filed, July 21, 1955;  
8:52 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### KNUCKMAN LIVESTOCK SALES CO. ET AL.

#### POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the livestock markets named below are stockyards as defined in Section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202) and should be made subject to the provisions of that act.

Knuckman Livestock Sales Co., Council Bluffs, Iowa.

Beatrice Sales Pavilion Stockyards, Beatrice, Nebr.

McKee Sales Co. Stockyards, Superior, Nebr.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.) as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Di-

No. 142—4

rector, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 18th day of July 1955.

[SEAL] H. E. REED,  
Director  
Livestock Division,  
Agricultural Marketing Service.

[F. R. Doc. 55-5943; Filed, July 21, 1955;  
8:47 a. m.]

## Commodity Credit Corporation

### SALES OF CERTAIN COMMODITIES

#### JULY 1955 DOMESTIC AND EXPORT SALES LISTS

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the following commodities are available for sale in the quantities stated and on the price basis set forth:

#### JULY 1955 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export sales prices
<b>Dairy products</b> .....	F. a. s. U. S. port of export, or "in store" * at location of stocks at f. a. s. price less export freight rate to agreed port of export.
Cheddar cheese, <sup>1</sup> cheddars, flats twins and rindless blocks (standard moisture basis in carloads only), 277,000,000 pounds.	U. S. Grade A: 23.5 cents per pound basis port of export. U. S. Grade B: 21.5 cents per pound basis port of export.
Nonfat dry milk solids, <sup>1</sup> (in carloads only):	
Spray, 130,000,000 pounds; roller, 13,000,000 pounds (includes 2,000,000 pounds of spray in 100 pound bags), 9,300,000 pounds.....	Spray process: In barrels and drums, 11.75 cents per pound basis port of export. Roller process: In barrels and drums, 10 cents per pound basis port of export. (Prices are 10.00 cents per pound for spray and 9.15 cents per pound for roller in 50-pound and 100-pound bags.)
Salted creamery butter, <sup>1</sup> (in carloads only):	Written bid basis in accordance with Announcement LD-5. Offers to be considered daily until sold or program is terminated.
103,000,000 pounds.....	
8,500,000 pounds.....	
Dry whey, <sup>1</sup> 44,000,000 pounds.	U. S. Grade A.. Not less than 41 cents per pound basis port of export; U. S. Grade B: Not less than 39 cents per pound basis port of export.
Dry whey product, <sup>1</sup> 1,000,000 pounds.	Written bid basis in accordance with Announcement LD-7. Offers to be considered daily until sold or program is terminated.
Condensed whey <sup>1</sup> (in barrels and drums), 562,000 pounds.	Any of the above commodities are available through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C.
<b>Corn, bulk<sup>1</sup></b> .....	Written bid basis in accordance with Announcement LD-12. Available Cincinnati CSS Commodity Office.
	Written bid basis in accordance with Announcement LD-12. Available Cincinnati CSS Commodity Office.
	Written bid basis in accordance with Announcement LD-12. Available Cincinnati CSS Commodity Office.
<b>Rye<sup>1</sup></b> .....	Price as determined by CCC. Offerings may also be made on a competitive bid basis as announced from time to time by the Kansas City, Minneapolis, Dallas, and Chicago CSS Commodity Offices. <sup>2</sup>
<b>Oats<sup>1</sup></b> .....	Price as determined by CCC. Offerings may also be made on a competitive bid basis as announced from time to time by the Minneapolis, Kansas City, Dallas, Chicago and Portland CSS Commodity Offices. <sup>2</sup>
<b>Grain, sorghums, bulk<sup>1</sup></b> .....	Price as determined by CCC. Offerings may also be made on a competitive bid basis as announced from time to time by the Minneapolis, Chicago, or Dallas CSS Commodity Offices. <sup>2</sup>
<b>Wheat, bulk<sup>1</sup></b> .....	Price as determined by CCC. Offerings may also be made on a competitive bid basis as announced from time to time by the Dallas or Portland CSS Commodity Offices. <sup>2</sup>
	Sales made for export pursuant to Announcement GR-231 and 232 at prices announced daily. Available Dallas, Chicago, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Sales also made under GR-232 at market price at time of sale at point of delivery. Sales may be made for export of wheat as flour. Sales under Title I, P. L. 450 may be made on terms and conditions of GR-231 and 232. Available Dallas, Chicago, Minneapolis, and Portland CSS Commodity Offices.
<b>Barley<sup>1</sup></b> .....	Price as determined by CCC. Offerings may also be made on a competitive bid basis as announced from time to time by the Minneapolis, Chicago, Dallas, or Portland CSS Commodity Offices. <sup>2</sup>
<b>Flaxseed<sup>1</sup></b> (as available).....	Competitive bid basis as may be announced by the Chicago and Minneapolis CSS Commodity Offices.
<b>Rice, broken<sup>1</sup></b> (as available).....	Competitive bid basis as may be announced by the Dallas CSS Commodity Office.
<b>Cotton<sup>1</sup></b> .....	Sales will be made on a competitive bid basis at not less than the higher of (1) 105 percent of the current cotton support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Sales may also be made at the above pricing standards under the provisions of Title I of the Agricultural Trade Development and Assistance Act (P. L. 450, 83d Cong.) Detailed terms and conditions under which the cotton will be offered for sale will be issued by the New Orleans CSS Commodity Office. A catalog showing quantities, qualities and locations may be obtained for a nominal fee from that office.
<b>Cottonseed oil,<sup>1</sup> crude (limited quantities as may be announced).</b>	Competitive bid basis as announced by the New Orleans CSS Commodity Office. Announced offerings are subject to the terms and conditions of NO-CS-12. Sales under Title I, P. L. 450 may also be made on terms and conditions of NO-CS-12. Available New Orleans CSS Commodity Office.
<b>Cottonseed oil,<sup>1</sup> refined (limited quantities as may be announced).</b>	Competitive bid basis as announced by the New Orleans CSS Commodity Office. In addition, domestic processors may submit bids at any time when the oil purchased is to be further processed into a finished product for export. Announced offerings are subject to the terms and conditions of NO-CS-12. Sales under Title I, P. L. 450 may also be made on terms and conditions of NO-CS-12. Available New Orleans CSS Commodity Office.
<b>Cottonseed cake or meal<sup>1</sup></b> (as available).	Competitive bid basis as may be announced by the New Orleans CSS Commodity Office.
<b>Pink beans,<sup>1</sup> 1954 crop (as available).</b>	Competitive bid basis as may be announced by the Portland CSS Commodity Office.
<b>Baby lima beans,<sup>1</sup> 1954 crop (as available).</b>	Competitive bid basis as may be announced by the Portland CSS Commodity Office.
<b>Small red beans,<sup>1</sup> 1954 crop, 100,000 hundredweight.</b>	Competitive bid basis as may be announced by the Portland CSS Commodity Office.
<b>Pinto beans,<sup>1</sup> 1954 crop, 200,000 hundredweight.</b>	Competitive bid basis as may be announced by the Kansas City CSS Commodity Office.

See footnotes at end of table.



See footnotes at end of table.

## Commodity Offices



## JULY 1955 DOMESTIC SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Oats, bulk: <sup>1</sup> (Unrestricted use)-----	The market price, basis in store, <sup>2</sup> but not less than the domestic minimum price. Minimum price, 1955 loan rate basis point of production for class, grade, and quality plus 5 cents per bushel. Examples of minimum price per bushel including average paid-in freight: Chicago, No. 3 oats or better, \$9.73; Minneapolis, No. 3 oats or better, \$9.74. Competitive bid basis as may be announced. Available Chicago and Dallas CSS Commodity Offices.
(For feed only)----- Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Maine, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.	
Grain sorghums, bulk <sup>1</sup> -----	The market price, basis in store, <sup>2</sup> but not less than the domestic minimum price. Minimum price: 1955 applicable loan rate for class, grade, quality and location plus 12 cents per hundredweight. Example of minimum price per hundredweight: Kansas City No. 2 or better, \$23.4. Available Dallas and Kansas City CSS Commodity Offices.
Soybeans, bulk (for crushing only) (as available).	Market price, basis in store, but not less than the applicable 1954 support rate. The minimum price applicable to soybeans which have been moved from point of production will reflect the cost of transportation and handling charges. Available Minneapolis, Chicago, Kansas City, and Dallas CSS Commodity Offices.
Flaxseed, bulk <sup>1</sup> (for crushing only) (as available).	On LCL lots, market price on date of sale, basis in store. On all other storable lots market price but not less than the 1954 support price. No sales will be made at a lower price through the period ending Oct. 31, 1955. Available Minneapolis and Chicago CSS Commodity Offices.
Rice, broken <sup>1</sup> (for feed only) (as available).	Competitive bid basis as may be announced by the Dallas CSS Commodity Office.
Gum rosin (in galvanized metal drums averaging 517 pounds net).	Offer and acceptance basis, "as is" in the stated quantities and in the designated storage yards, subject to the prices, terms and conditions of Announcement TB-21 and Supplements thereto as may be issued from time to time but not more often than weekly. Available through the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
Gum turpentine, bulk in tanks-----	Offer and acceptance basis, "as is" in the stated quantities and in the designated storage tanks, subject to the prices, terms and conditions of Announcement TB-21 and Supplements thereto as may be issued from time to time but not more often than weekly. Available through the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
Cottonseed meal or cake <sup>1</sup> (as available).	Competitive bid basis as may be announced by the New Orleans CSS Commodity Office but not less than the 1954 Cottonseed Bulletin 3 prices.
Dry edible beans (bagged)-----	Prices listed below, on all beans, are at point of production. Amount of paid-in freight to be added as applicable. For other grades of all beans, adjust by market differentials. \$7.01 per 100 pounds for U. S. No. 1, f. o. b. California points of production. Available Portland CSS Commodity Office. \$8.98 per 100 pounds for U. S. No. 1, f. o. b. Denver rate area. For other areas adjust by price support differentials. Available Kansas City and Minneapolis CSS Commodity Offices. \$12.16 per 100 pounds for U. S. No. 1, f. o. b. California points of production. Available Portland CSS Commodity Office. \$8.96 per 100 pounds for U. S. No. 1, f. o. b. California points of production. Available Portland CSS Commodity Office. \$8.18 per 100 pounds for U. S. No. 1, f. o. b. point of production Denver rate area. For other areas adjust by the 1954 price support differentials. Available Minneapolis, Kansas City, Dallas and Portland CSS Commodity Offices. \$9.07 per 100 pounds for U. S. No. 1, f. o. b. points of production. Available Portland CSS Commodity Office. All sales are f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Premiums and discounts may be obtained from the commodity offices for quantities above or below basic specifications. On all seeds except ladino: Offers will not be accepted for less than warehouse receipt lot or minimum weight carlots as prescribed by railroad carrier's regulation at point of storage. \$55 per 100 pounds. Available Portland CSS Commodity Office. \$65 per 100 pounds. Available Portland CSS Commodity Office. \$35 per 100 pounds. Available Portland CSS Commodity Office. \$40 per 100 pounds. Ladak available at Portland and Kansas City; Grimm and Buffalo at Portland CSS Commodity Office. \$18 per 100 pounds. Available Portland, Kansas City, Dallas, and Chicago CSS Commodity Offices. \$20 per 100 pounds. Available Portland, Kansas City, Dallas, and Chicago CSS Commodity Offices. All sales are f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Prices are for basic specifications. 1953 county support rate, ranging from \$11.65 to \$12.43 plus \$1 per 100 pounds. Available Portland and Chicago CSS Commodity Offices.
Baby lima beans, <sup>1</sup> 1954 crop as available).	
Great northern beans, 1954 crop, 35,000 hundredweight.	
Large lima beans, 1954 crop, (as available).	
Pink beans, <sup>1</sup> 1954 crop, 100,000 hundredweight.	
Pinto beans, <sup>1</sup> 1954 crop, 500,000 hundredweight.	
Small red beans, <sup>1</sup> 1954 crop, 100,000 hundredweight.	
Hay and pasture seeds (bagged)-----	
Ladino clover seed <sup>1</sup> (certified) 100,000 hundredweight.	
Birdsfoot trefoil seed, 1,000 hundredweight.	
Alfalfa seed northern, <sup>1</sup> 47,200 hundredweight.	
Alfalfa seed (certified), Ladak, 2,500 hundredweight; Grimm, 200 hundredweight; Buffalo, 21,000 hundredweight.	
Tall fescue seed (common), <sup>1</sup> 34,000 hundredweight.	
Tall fescue seed (certified), <sup>1</sup> 84,000 hundredweight.	
Winter cover crop seed (bagged)-----	
Hairy vetch seed (as available)-----	

<sup>1</sup> These same lots also are available at export sales prices announced today. Where no quantity is specified, quantity available is indefinite.

<sup>2</sup> "In store" means at the processor's plant or warehouse but with any prepaid storage and outlanding charges for the benefit of the buyer.

<sup>3</sup> In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangement with warehousemen for storage documents.

<sup>4</sup> Prices for basic specifications will not be reduced through the period ending June 30, 1956.

(Sec. 4, 63 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 203, 63 Stat. 901)

Issued: July 18, 1955.

[SEAL] WALTER C. BERGER,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[F. R. Doc. 55-5348; Filed, July 21, 1955;  
8:48 a. m.]

## SALES OF CERTAIN COMMODITIES

## RICE AND COTTON LINTERS

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the following commodities are available for sale in the quantities stated and on the price basis set forth:

SUPPLEMENT—JULY 1955 DOMESTIC SALES LIST  
Commodity and Approximate Quantity Available (Subject to Prior Sale) and Domestic Sales List

Rice, rough, 1954 crop: Effective July 7 rough rice is being offered f. o. b. warehouse at the domestic minimum price. The minimum price for rough—rice—1954 loan rate basis point of production for class, grade, and quality plus 86 cents per cwt.

Milled rice, 1953 and 1954 crops: Effective July 7 milled rice is being offered at the domestic minimum rough rice price basis with appropriate adjustments for quality of the product plus milling and handling costs. Various grades and classes of milled head rice and second heads and various classes of No. 5 milled rice (35 percent broken) are available. For locations, quantities, and prices contact Dallas CSS Commodity office.

Cotton linters: as announced July 8 cotton linters will be offered for sale periodically on an offer and acceptance basis. A catalog listing the linters available for sale is being prepared and may be procured for a nominal fee. Requests for the catalog and inquiries regarding the sales should be addressed to the Director New Orleans CSS Commodity office.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 203, 63 Stat. 901)

Issued: July 18, 1955.

[SEAL] WALTER C. BERGER,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[F. R. Doc. 55-5347; Filed, July 21, 1955;  
8:47 a. m.]

## Office of the Secretary

## MINNESOTA

DESIGNATION OF AREAS FOR PRODUCTION  
EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress, as amended, it is determined that in the following named additional counties in

the State of Minnesota a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

STATE OF MINNESOTA

Lincoln.  
Lyon.

Pursuant to the authority as set forth above, such loans will not be made in the State of Minnesota after June 30, 1956, except to borrowers who previously received such assistance.

Done at Washington, D. C., this 19th day of July 1955.

[SEAL]

EARL L. BUTZ,  
*Acting Secretary.*

[F. R. Doc. 55-5967; Filed, July 21, 1955;  
8:52 a. m.]

## TAX COURT OF THE UNITED STATES

[Administrative Order 53]

### DESIGNATION OF A SPECIAL DIVISION OF THE COURT

From and after the date hereof, the Special Division of the Court for review of determinations and redeterminations by any Division of the Court involving any question arising under Section 721 (a) (2) (C) or Section 722 of the Internal Revenue Code of 1939, as amended, pursuant to authority contained in Section 732 (d) of the Internal Revenue Code of 1939, as amended, is constituted as follows:

Judges Murdock, Oppen, Tietjens, and Raum, and where a case involving a question arising under Section 721 (a) (2) (C) or Section 722 has been assigned to another Judge of the Court, then that Judge shall, for the purpose of that case, be a member of the Special Division: *Provided, however* That in the absence of one or more members, any three or

more of the remaining members shall constitute the Special Division.

Effective: July 1, 1955.

[SEAL]

J. E. MURDOCK,  
*Chief Judge,*

*The Tax Court of the United States.*

JULY 19, 1955.

[F. R. Doc. 55-5963; Filed, July 21, 1955;  
8:51 a. m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH-SECTION-APPLICATIONS FOR RELIEF

JULY 19, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT-HAUL

FSA No. 30863: Brick—Birmingham, Ala. group to Nashville, Tenn. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on brick and related commodities, carloads, from Birmingham, North Birmingham, and Lovick, Ala., to Nashville, Tenn.

Grounds for relief: Circuitous routes. Tariff: Supplement 87 to Agent Spaninger's I. C. C. 1278.

FSA No. 30864: Salt—Louisiana and Texas to Delaware and Virginia. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on common salt, in packages and in bulk, carloads, from specified points in Louisiana (west of the Mississippi River) and Texas, to Wyoming, Del., and Ashland, Va.

Grounds for relief: Depressed through one-factor rates reflecting combinations of intermediate rate factors, and circuitry.

Tariff: Supplement 68 to Agent Kratzmeir's I. C. C. 3668.

FSA No. 30865: Railway equipment—Alabama to official territory. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on railway car or locomotive wheels and axles, iron or steel, carloads, from Birmingham, Ala., and grouped points, and Calera, Ala., to specified points in official territory.

Grounds for relief: Short-line distance scale and circuitry.

Tariff: Supplement 9 to Agent Spaninger's I. C. C. 1454.

FSA No. 30866: Kyanite—Clover, S. C. to Baltimore, Md. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on kyanite, crude or ground, carloads, from Clover, S. C. to Baltimore, Md.

Grounds for relief: Short-line distance formula, and circuitry.

Tariff: Supplement 75 to Agent Spaninger's I. C. C. 7346.

FSA No. 30867: Iron and steel billets—Huntington, W. Va. to Beaumont, Tex. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on iron and steel billets, other than copper clad, carloads, from Huntington, W. Va., to Beaumont, Tex.

Grounds for relief: Barge competition and circuitry.

Tariff: Supplement 71 to Agent Kratzmeir's I. C. C. 4115.

FSA No. 30868: Pressure pipe—Birmingham, Ala., group to New Mexico and Texas. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on cast iron pressure pipe and fittings, carloads, from Birmingham, Ala., and group to specified points in New Mexico and Texas.

Grounds for relief: Circuitous routes. Tariff: Supplement 54 to Agent Spaninger's I. C. C. No. 1374.

By the Commission.

[SEAL]

HAROLD D. MCCOY,  
*Secretary.*

[F. R. Doc. 55-5951; Filed, July 21, 1955;  
8:49 a. m.]